

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 3

In the Matter of:

Starbucks Corporation,	Case No.
	03-CA-285671 03-CA-290555,
Employer,	03-CA-291157 03-CA-291196,
	03-CA-291197 03-CA-291199,
and	03-CA-291202 03-CA-291377,
	03-CA-291378 03-CA-291379,
	03-CA-291381 03-CA-291386,
Workers United,	03-CA-291395 03-CA-291399,
	03-CA-291408 03-CA-291412,
Union.	03-CA-291416 03-CA-291418,
	03-CA-291423 03-CA-291431,
	03-CA-291434 03-CA-291725,
	03-CA-292284 03-CA-293362,
	03-CA-293469 03-CA-293489,
	03-CA-293528 03-CA-294336,
	03-CA-293546 03-CA-294341,
	03-CA-294303 03-CA-206200

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UNITED STATES OF AMERICA
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Charged Party,

and

Workers United,

Union.

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The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL ROSAS**, Administrative Law Judge, at the Jackson Courthouse, Wyoming Courtroom, 2 Niagara Square, Buffalo, New York 14202-2465, on **Thursday, July 28, 2022, 9:12 a.m.**



1 A P P E A R A N C E S

2 **On behalf of the Employer:**

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13 HAYES DOLCE
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16 **On behalf of the General Counsel:**

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18 **ALICIA PENDER-STANLEY, ESQ.**
19 NATIONAL LABOR RELATIONS BOARD
20 130 S. Elmwood Ave.
21 Suite 630
22 Buffalo, NY 14202

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Angel Krempa	944, 1015, 1014	1049	1060	1061	1014, 1044, 1046

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
General Counsel:		
GC-60 (a)	980	
GC-60 (b)	980	
GC-61	996	998
GC-62	1012	1015
GC-63	1017	1018
GC-64 (a)	1023	1028
GC-64 (b)	1028	1028
GC-65 (a)	1030	1030
GC-65 (b)	1030	1030
GC-66 (a)	93	1033
GC-66 (b)	93	1033
GC-67	1034	1035
GC-68	1034	1035
GC-69	1036	1040
GC-70	1043	1044
GC-73	1043	1044
GC-71	1045	1048
GC-72	1045	1048

1 P R O C E E D I N G S

2 JUDGE ROSAS: Who is your witness, General Counsel?

3 MS. CACACCIO: Angel Krempa.

4 Whereupon,

5 ANGEL KREMPA

6 having been duly sworn, was called as a witness herein and was
7 examined and testified as follows:

8 JUDGE ROSAS: State and spell your name and provide us
9 with an address?

10 THE WITNESS: Angel Krempa. A-N-G-E-L K-R-E-M-P-A. And
11 I'm sorry, what was the last?

12 JUDGE ROSAS: Your address?

13 THE WITNESS: My address is (b) (6), (b) (7)(C)

14 [REDACTED].

15 JUDGE ROSAS: Try to keep your voice up so everybody can
16 hear it, okay?

17 THE WITNESS: Okay.

18 DIRECT EXAMINATION

19 Q BY MS. CACACCIO: Good morning, Angel.

20 A Good morning.

21 Q What are your pronouns?

22 A She/they.

23 Q Did you ever work for Starbucks Corporation?

24 A Yes.

25 Q When did you work for Starbucks?

1 A In between February of 2020 to April 1st of 2022.

2 Q And what role did you have with the company?

3 A I started as a barista, became a shift supervisor. Or
4 became a -- sorry, a barista trainer and then shift supervisor.

5 Q What was your home store?

6 A The Depew store.

7 Q Did that store go by any other name?

8 A French and Transit.

9 JUDGE ROSAS: French and Transit?

10 THE WITNESS: Yes, sir.

11 Q BY MS. CACACCIO: Do you know what the address was of that
12 store?

13 A It was 4770 Transit Road, Depew, New York. And I think it
14 was also 14043.

15 Q When did you at the Depew store?

16 A Through my employment, February of 2020, to April 1st of
17 2022.

18 Q Was that your only home store during that time?

19 A Yes.

20 Q When you worked at the Depew store, how often did you
21 work?

22 A It changed a few times during my employment. I started
23 around the 25-hour range. After I graduated from college, it
24 increased around 35-40 hours.

25 Q And what shifts did you typically work?

1 A I typically worked a morning shift. The open shift.

2 Q Did that ever change?

3 A Yes.

4 Q When did that change?

5 A After the Union campaign.

6 Q And how did it change?

7 A My shifts became randomized and there was a lot more night
8 shifts.

9 Q Can you tell me what you mean by being randomized?

10 A When I was first employed with the company, I was solely
11 an opener. So I was working like 5:30 a.m. shifts. After the
12 campaign started, it changed to being an opener. And then also
13 working midday shifts. Also working close shifts all
14 throughout the same work week.

15 Q Was that a problem for you?

16 A Yes.

17 Q Can you tell us why?

18 A I wasn't able to get a proper sleep schedule anymore
19 being -- having to wake at 4 a.m. for a shift, and then the
20 next day I start at noon. I can't get into a good sleep
21 schedule, so it messes with my mental health a lot.

22 Q Did you ever work closing shift?

23 MR. BALSAM: Objection. Move to strike the mental health
24 part.

25 JUDGE ROSAS: Her last answer?

1 MR. BALSAM: Yes. The last part about the mental health.

2 JUDGE ROSAS: What was the question that preceded it
3 again?

4 Q BY MS. CACACCIO: Why was that a problem for you?

5 JUDGE ROSAS: Overruled. It's responsive to the answer it
6 was objected to.

7 Q BY MS. CACACCIO: How long did this randomization of your
8 shifts last?

9 A For the remainder of my employment with the company.

10 Q Do you remember about when it started?

11 A It was after the campaign had started.

12 Q And when did the campaign start?

13 A September. August for -- September for my store.

14 Q In what year?

15 A Of 2021.

16 Q Did your actual hours change at all?

17 A I noticed a slight decrease, yes.

18 Q Are you familiar with the Union, Workers United?

19 A Yes.

20 Q When did you become familiar with the Union?

21 A Late August of 2021.

22 Q And what happened in late August?

23 A The campaign had started, so it was public online. And I
24 was also approached by a friend, Jaz Brisack, if I heard about
25 it and if I wanted to help out.

1 Q What did you say?

2 A I said, yes, of course.

3 Q So what did you do?

4 A I started internally organizing my store and kind of just
5 giving the -- my coworkers as unbiased information as I could
6 about what a union is and why it's something that we're
7 interested in.

8 Q Were you involved with the petition at your store?

9 A Yes.

10 Q How were you involved in that?

11 A I believe I signed the letter for the petition. And then
12 I also advocated in court for the petition.

13 Q Did you collect cards?

14 A Yes.

15 Q Where did you do that?

16 A Within the store.

17 Q Were you a member of the organizing committee?

18 A Yes.

19 Q Were you involved in bargaining?

20 A Yes.

21 Q For which stores?

22 A I believe for the Elmwood store I had been involved in. I
23 may have been involved for the Genesee store, but I don't fully
24 recall.

25 Q Were you involved for your store?



1 A Yes, we just received -- or, yes. Sorry.

2 Q Why did you leave the company on April 1st, of 2022?

3 MR. BALSAM: Objection. Leading.

4 A (Indiscernible).

5 MR. BALSAM: Objection. Leading.

6 JUDGE ROSAS: Overruled. I'm sorry?

7 MR. BALSAM: Objection. Leading.

8 JUDGE ROSAS: What's your objection?

9 MR. BALSAM: Leading.

10 MS. CACACCIO: I asked why she left the company.

11 JUDGE ROSAS: She provided her tenure before, right?

12 MS. CACACCIO: Yes.

13 MR. BALSAM: I withdraw. Sorry. Thank you.

14 Q BY MS. CACACCIO: Why did you leave the company on April
15 1st, 2022?

16 A They terminated me.

17 Q Did Respondent ever notify the bargaining committee about
18 your termination?

19 A No.

20 Q Did Respondent ever request to bargain responded to her
21 request to bargain --

22 MR. BALSAM: Objection. Relevance.

23 MS. CACACCIO: May I be heard? There is an allegation in
24 the complaint that Respondent didn't bargain over Ms. Krempa's
25 termination.

1 MR. BALSAM: There's also no obligation to bargain with a
2 union before a collective bargaining agreement is in place, and
3 there was none. There's no testimony to that effect.

4 JUDGE ROSAS: That's -- that's your legal position.
5 Overruled. We need the factual record to establish all the
6 underlying facts there.

7 Q BY MS. CACACCIO: Did Respondent ever request to bargain
8 on your termination?

9 A No.

10 Q Do you know whether there was anyone else at your store
11 that was terminated?

12 A Yes.

13 Q Who?

14 A Minwoo Park.

15 Q Did Respondent ever notify the bargaining committee about
16 Minwoo Park's termination?

17 A No.

18 Q Did Respondent ever request to bargain over Minwoo Park's
19 termination before they were terminated?

20 A No.

21 Q When you worked at the Depew store, did you make your
22 Union support known?

23 A Yes.

24 Q How did you do that?

25 A I wore a button every day.

1 Q What button did you wear?

2 A We had a Starbucks Workers United pin, and it had a, like,
3 emerald green background border. Inside that was white with a
4 shaker vest.

5 Q Is that the only Union button that you wore?

6 A I have one other that I did wear.

7 Q What one was that?

8 A It was a We Stand in Solidarity with the Memphis Seven
9 pin. It had more of a blue border around it, but it was
10 another Starbucks Workers United pin.

11 Q When did you start wearing the Memphis Seven pin?

12 A It was after their termination. So I believe the end of
13 February.

14 Q And the first pin you mentioned with the shaker, when did
15 you start wearing that pin?

16 A I can't remember an exact date, but as pretty -- as soon
17 as I -- they made them I put one on. Probably the beginning of
18 the campaign.

19 Q And how often did you wear it?

20 A Every day I could.

21 Q You mentioned earlier that you had testified in a hearing.
22 Was that before the National Labor Relations Board?

23 A Yes.

24 Q When was that?

25 A I believe it was December 3rd of 2021. I know it was like

1 a Friday.

2 Q What was the purpose of that proceeding?

3 A It was for our petition for our -- to have the Union
4 election at the Depew store.

5 Q Prior to August of 2021, who was the Depew store manager?

6 A Nick Tollar, Jr.

7 Q And prior to August of 2021, did Depew have any other
8 managers other than a store manager?

9 A No.

10 Q And how many store managers did your store have prior to
11 the Union campaign?

12 A At the time, or in general?

13 Q At the time.

14 A Just one.

15 Q How often would you work without a manager present prior
16 to August of 2021?

17 MR. BALSAM: Objection, leading.

18 JUDGE ROSAS: Sustained.

19 MS. CACACCIO: May I be heard?

20 JUDGE ROSAS: Foundation.

21 Q BY MS. CACACCIO: Did you ever work without a manager
22 present prior to August of 2021?

23 A Yes.

24 Q How often did you work without a manager present prior to
25 August 2021?



1 A It depended on the shift. If I was a night shift, almost
2 never. In the morning, only for a few hours during the week.

3 Q The answer you just gave, did you give it for with the
4 manager or without a manager prior to August of the 2021?

5 A With -- without a manager. So if there was a -- I'm
6 sorry. If there was a manager on in the morning, it would only
7 be within maybe a few hour range. And if at night, it was
8 pretty much never there was a manager on that I was around.
9 Sorry. Forgot that.

10 Q Prior to August of 2021, what did your store manager do
11 when he was in the store?

12 A Typically, he would be doing a lot of paperwork on his
13 computer. And during peak operational hours for a time, which
14 would typically be 7 a.m. to 9 a.m., he would sometimes work
15 the espresso bar.

16 Q Did there come a time when you noticed that your store
17 managers duties changed?

18 A Yes.

19 Q When was that?

20 A Around the time the Union campaign started in Buffalo.

21 Q And how did it change?

22 A There was a lot of more kind of paperwork he was doing
23 that I noticed. A lot less on the floor coverage than the
24 little but that we were used to.

25 Q Does Nick still work at that -- did Nick still work at the

1 store at the store at the time that you left?

2 A No.

3 Q When did he leave?

4 A I believe it was around mid-October of 2021.

5 Q Had your store -- after August of 2021, did your store
6 receive any other managers?

7 A Yes.

8 Q How many?

9 A I believe there were three that were stationed at that
10 store.

11 Q And when did your store receive those managers?

12 A They came in waves. So the first would have been in
13 around early September. The next would have been, I believe, a
14 few weeks after that. And the same with the next one.

15 Q Do you know what their titles were?

16 A I -- I can recall two of them. But not the third.

17 Q What were they -- what were they called in your store?

18 A Oh, wait. In our store?

19 Q Yeah.

20 A They were just support managers.

21 Q Had your store ever had a support manager prior to the
22 Union campaign?

23 A No.

24 Q Did any of those support managers ever tell you what a
25 support manager was?

1 A Vaguely.

2 Q Okay. What did they tell you?

3 A Just that they were here to help support the store manager
4 in whatever they needed.

5 Q In your observations, what was a support manager?

6 A More so for nit picking the certain parts of what the
7 Starbucks lifestyle should be. And still teaching Nick certain
8 things that he needed to know as a store manager. But it felt
9 more like they were just watching over us, and more so teaching
10 us at a certain points.

11 Q When these support managers were in your store, how often
12 would you work without a manager present?

13 A Almost if -- never.

14 Q You said there were three. Who were they?

15 A There was Jack Morton, Tiffany Mann, and Taylor Alver
16 (phonetic throughout) -- Alverez. I don't remember her last
17 name correctly.

18 Q Let's start with Jack Morton. When did he arrive in your
19 store?

20 A He was the first one. So it was around that early
21 September.

22 Q Where was he from?

23 A I can't recall, but I know he was out of state.

24 Q At the time that Jack arrived, was Nick still in the
25 store?

- 1 A Yes.
- 2 Q Do you know what Jack did in the store that he came from?
- 3 A I believe he was a store manager.
- 4 Q How long did he stay in your store?
- 5 A I want to say around the end of December-ish, of 2021.
- 6 Q When Jack was in your store, how often did he work?
- 7 A Like a full 40-hour workweek. If not more.
- 8 Q And what did he do when he was there?
- 9 A A number of roles. When Nick was still in the store, he
- 10 did a lot of one-on-one training with Nick Toler. But then he
- 11 would also work on the floor with baristas.
- 12 Q And you mentioned Tiffany Mann. When did she arrive in
- 13 your store?
- 14 A I believe it was a few weeks after Jack Morton had
- 15 arrived. The same. Later on, in the September/October area, I
- 16 believe.
- 17 Q Do you remember where Tiffany was from?
- 18 A I believe she was from Illinois.
- 19 Q And what did she do in Illinois?
- 20 A I believe she was a store manager, as well.
- 21 Q How long did she stay in your store?
- 22 A Until the end of February. Like February 28th.
- 23 Q What happened after that?
- 24 A I believe she was promoted to the district manager.
- 25 Q When Tiffany was in your store, how often did she work?

- 1 A About a full 40-hour work week. If not more.
- 2 Q And what did she do when she was there?
- 3 A The same thing with Jack. Played a lot of roles. A lot
4 of hats. Did a lot of on the floor work, but also would do a
5 lot of connections with the baristas in the store. Checking in
6 with them a lot and asking them about themselves, questions.
- 7 Q What about Taylor; when did she arrive?
- 8 A I'm not too certain. I believe maybe like,
9 October/November maybe.
- 10 Q Do you remember when she arrived in relation to the other
11 support managers?
- 12 A It was after. She was the last one that I can recall.
- 13 Q Where was Taylor from?
- 14 A I don't recall where. But I know she was from out of
15 state.
- 16 Q And what did Taylor do where she came from? Do you know?
- 17 A I do not recall.
- 18 Q Do you know where she was prior to coming to your store?
- 19 A I know she was at another Buffalo store. It might have
20 been Camp Road.
- 21 Q How long did Taylor stay in your store?
- 22 A For a short time. I -- I think until the new year. I
23 could be wrong.
- 24 Q When Taylor was in your store, how often did she work?
- 25 A I can't attest too much. Maybe like 30 hours.

1 Q When you did observe Taylor, what did you see that she was
2 doing in your store?

3 A It was a lot more of kind of like talking with Tiffany.
4 But also like checking in with the workers on the floor.

5 Q Other than the support managers we just talked about; did
6 you store receive any other managers?

7 A Yes.

8 Q In what way?

9 A We replaced a newly promoted assistant store manager,
10 Melissa Garcia, from the Orchard Park location. Who thus
11 became our store manager.

12 Q Did Melissa Garcia go by any other names in your store?

13 A Yes. MG.

14 Q And when did Melissa join your store?

15 A Maybe around November of 2021.

16 Q How long did she stay in your store?

17 A I believe she's still the current store manager.

18 Q When MG was in your store, how often did she work?

19 A A full 40-hour work week. If not more, sometimes.

20 Q And what did she do when she was there?

21 A Her role changed a lot since she was first hired. Moved
22 over to be an assistant store manager. She was learning a lot
23 of the basics of what that role is supposed to be and how she's
24 supposed to fulfill it. And then once we got notice that she
25 was going to be our store manager, it was a lot more of

1 training for store manager and learning, you know, when a store
2 manager should be on the floor. And she would work, you know,
3 an opening shift and work on the floor for a few hours kind of
4 thing.

5 Q Other than the support managers that we named previously;
6 did you ever see any other support managers in your store?

7 A Yes.

8 Q How often?

9 A At least a few times a week.

10 Q How did you know they were supervisors?

11 A We had a COVID check in log for Starbucks. And any
12 employee with Starbucks has to sign into that when they go to a
13 new store. And as a shift supervisor, I have to be constantly
14 checking that and making sure that I sign off on my workers who
15 come in. And if anybody isn't signed off, figuring out where
16 they are if they're everything. So I could see names that I
17 didn't recognize from my store. And not only did I see them,
18 but when I was being given the shift, the morning supervisor or
19 whatever would be like, oh, X, Y and Z came in to visit.

20 Q Prior to August of 2021, who was the district manager
21 responsible for your store?

22 A David, maybe LeFrois. I don't know his last name.

23 Q Do you rec -- would you recognize him, though?

24 A Not really, no.

25 Q Why not?

1 A I don't recall really ever meeting him.

2 Q Who was your store's district manager after that?

3 A It became MK.

4 Q How often did you see MK in your store?

5 A I saw her a few times. Maybe myself, maybe once every few
6 weeks or something. Or once a week or something like that.

7 Q Do you know what MK's full name is?

8 A I will butcher it, and I'm sorry. No. I'm going to
9 butcher it. I'm so sorry. I can't recall it fully.

10 Q And what did MK do when she was in your store?

11 A She would check in with the store manager to see how they
12 were doing, and then check in with the baristas, as well.

13 Q Did your store get any visits from any high-ranking
14 Starbucks officials?

15 A Yes.

16 Q How often do those high-ranking officials visit your
17 store?

18 A Maybe once a week. Maybe more than that. Maybe less.
19 They came in spurts, so I couldn't see all the time who was
20 there and whatnot.

21 Q Do you remember any of them that came to your store
22 specifically?

23 A I know Rossann Williams did show up a few times. There
24 was Deanna Pusatier, maybe. Definitely messing that last name
25 up. And there was this man named Lewis (Phonetic throughout)

1 who showed up a few times, as well, that I can recall.

2 Q Were headsets worn in your store?

3 A Yes.

4 Q Prior to August of 2021, why were headsets worn in your
5 store?

6 A Two main purposes. One we are drive-thru, so we have to
7 wear them in order to take orders. But the other purpose was
8 so that we could easily communicate with one another.

9 Q And prior to August of 2021, who wore headsets in your
10 store?

11 A It could have been any number of the baristas, pretty
12 much. And then the store manager, if they were working at 7 to
13 9 a.m. shift on the bar.

14 Q Other than the 7 a.m. to 9 a.m. shift at the bar, would
15 management wear a headset prior to August of 2021?

16 A No.

17 Q Did that ever change?

18 A Yes.

19 Q When?

20 A After the campaign had started.

21 Q What happened?

22 A We did have more support managers on, and they were
23 working on the floor. So they would be wearing headsets. And
24 they would keep them on for most of the duration of their shift
25 at some points.

1 Q What, if any, impact would this have on you?

2 A It made it a little nerve racking, for not only myself and
3 the baristas, because that was an area where we could
4 communicate with each other quietly so customers couldn't hear
5 and you know, ask questions. And it felt more like they were
6 just trying to listen in on what we were doing. And then be
7 like, hey cut out the -- cut out the conversation. Focus on
8 work. So it was like oh, okay. We can't really talk anymore.

9 Q Prior to the campaign, had anyone ever told you to stop
10 talking or -- did management ever tell you to stop talking over
11 the headsets like that?

12 A No.

13 Q Did you ever attend any listening sessions?

14 A Yes.

15 Q When was the first listening session you attended?

16 A I believe it was in mid-September.

17 Q How did you learn about the session?

18 A It -- one was posted in the store, and the store managers
19 were constantly asking me, hey, are you going to go to this.

20 Q What were you told about it?

21 A Pretty much that, you know, we're trying to have a store
22 meeting, gauge what everybody's thinking about. We also had
23 some people coming who want to hear you out from upper
24 management, so please come.

25 Q Did they tell you what would happen if you couldn't

1 attend?

2 A I believe they said that they would try and reschedule us
3 if we couldn't attend it.

4 Q Where was this meeting held?

5 A Within my store.

6 Q And who ran the meeting?

7 A I believe that one was ran by Rossann Williams, Deanna
8 Pusatier, and Nathalie, and I don't know her last name.

9 Q About how many employees attended the meeting?

10 A Maybe around, like, ten.

11 Q What store were these employees from?

12 A We were all from the Depew store.

13 Q What time was the meeting; do you remember?

14 A It was in the evening, maybe like 5 or 6:00.

15 Q Was the store open or closed for this meeting?

16 A It was closed.

17 Q How long before the meeting did they close the store?

18 A Probably about an hour.

19 Q About how long did this meeting last?

20 A An hour or two.

21 Q Had you ever attended a meeting previously that -- where
22 your store was closed?

23 A No.

24 Q Did you record this meeting?

25 A No.



1 Q What happened in the meeting?

2 A In this meeting, it was read -- or led, sorry, by Rossann
3 and Deanna and Nathalie, and they're telling us about why they
4 were in Buffalo. They had heard that there's a lot going on in
5 the market, and you know, it's really crazy. They haven't
6 heard of anything like this, and that they also heard that the
7 Union was trying to get a foothold in our market, so they
8 wanted to gauge, you know, what our concerns were specifically
9 in our store and give us a basis of what Workers United was,
10 and if we had time for questions at the end, then we could ask
11 them.

12 Q Did you speak up during the meeting?

13 A I believe I did.

14 Q Do you remember what you talked about?

15 A Well, I talked about who I was because we did
16 introductions, and I believe I talked about a base of -- just
17 what Workers United, actually, was, how it was a union.

18 Q Were you paid to attend this meeting?

19 A By Starbucks, yes.

20 Q Do you remember if anyone else from your store spoke up in
21 this meeting?

22 A I believe a few people did just ask questions.

23 Q When was the next listening session you attended?

24 A It had to have been within the next few weeks, maybe like
25 two or three.

- 1 Q How did you learn about this session?
- 2 A Again, this one was posted in the store, and I believe it
3 might have been put onto our schedules to attend, as well.
- 4 Q Were you told anything by management about this meeting?
- 5 A Yeah, they were, like, hey, please go to this meeting.
6 It's not at our store. We're just trying to give you more
7 information.
- 8 Q Did they tell you what would happen if you couldn't
9 attend?
- 10 A That they'd try and reschedule us.
- 11 Q Where was this meeting held?
- 12 A It was held in downtown Buffalo at either the Hyatt or
13 Hoyit (phonetic) Hotel.
- 14 Q Who ran this meeting?
- 15 A This one was led by, I believe, Natalie, M.K., and Deanna.
- 16 Q About how many employees attended this meeting?
- 17 A I -- I believe it -- 10 to 12 maybe.
- 18 Q And what store were these employees from?
- 19 A All from the Depew store.
- 20 Q Do you remember when the meeting was held?
- 21 A In the evening. I think like 6:00 or something like that.
- 22 Q Was this the only meeting for your store held on that day?
- 23 A No, I believe there were two meetings so that it would
24 increase the ability of most people showing up.
- 25 Q Would the store normally have been open during this

1 meeting?

2 A Yes.

3 Q Was it?

4 A No.

5 Q What happened when you arrived for the meeting?

6 A When I arrived for the meeting, I did my COVID check in
7 and signed in, and when I went into the meeting room, I was
8 approached by M.K., who was like, hey, I heard about a
9 complaint. Do you want to talk real quick before the meeting
10 started?

11 Q What was the complaint that she was referring to?

12 A Myself and my coworkers had filed an ethics complaint with
13 the company about a different shift supervisor.

14 Q Who was that shift supervisor?

15 A Oh, gosh, what is her last name, now? Sorry, I know her
16 name was Jennifer (phonetic throughout). Wow, I'm blanking on
17 her last name.

18 Q If you think of it, let me know --

19 A Okay.

20 Q -- and we'll go back to it. When did you raise that
21 complaint?

22 A I believe just a -- two weeks prior or something like
23 that.

24 Q And what was the issue that you were having with that
25 shift supervisor, you and your coworkers?

1 A So what happened to which why we filed a complaint was
2 Jennifer had grabbed one of the minors on the arm and twisted
3 them around and was telling not only coworkers but customers to
4 use the incorrect pronouns for them and said you can call her
5 sir, ma'am. It's fine to just call her sir, ma'am, and I was
6 told by that -- by the shift supervisor, Ann, immediately after
7 it happened, and she was, like, I don't know what to do because
8 she was brand new, and I said we need to file a complaint right
9 now, so we did.

10 Q Other than filing a complaint with Ethics, had you done
11 anything else to make sure that this issue was known to
12 management?

13 A We had let Nick Tollar know about the issues that we had
14 been having --

15 MR. BALSAM: Ob --

16 A -- with (indiscernible, simultaneous speech).

17 MR. BALSAM: -- objection, Your Honor. This witness is
18 saying -- using the word "we". She should be testifying about
19 her own personal knowledge.

20 MS. CACACCIO: Your Honor, might I be heard? The witness
21 testified that it was a issue that she and her coworkers
22 raised. It's not a personal issue to her. It's a PCA Section
23 7 issue.

24 JUDGE ROSAS: Testify as to what you said or did -- as to
25 what you said or did.

1 THE WITNESS: Okay.

2 Q BY MS. CACACCIO: Were these complaints only yours, Angel?

3 A As in, like --

4 Q The complaints about Jen, were they only your complaints?

5 A No, they were other complaints that we filed.

6 Q Were you the only one who was concerned about Jen's
7 behavior?

8 MR. BALSAM: Objection again, Your Honor.

9 JUDGE ROSAS: Su -- sustained --

10 MR. BALSAM: This witness should be --

11 JUDGE ROSAS: -- as --

12 MR. BALSAM: -- test -- sorry.

13 JUDGE ROSAS: Sustained as to the concerns of others. You
14 can testify as to -- just as to complaints that you know were
15 filed by others, and we'll take it from there.

16 THE WITNESS: Okay.

17 Q BY MS. CACACCIO: Did you do this on your own?

18 A No.

19 Q Why not?

20 A Because I was asked for help by the shift supervisor, Ann,
21 so we did it together.

22 Q After you informed Nick what was going on, what had been
23 done?

24 MR. BALSAM: Objection. Leading. There's been no
25 testimony that she informed Nick of anything.

1 MS. CACACCIO: Yes, she testified to that.

2 MR. BALSAM: She just testified that they filed an
3 ethics --

4 JUDGE ROSAS: Nick --

5 MR. BALSAM: -- complaint.

6 JUDGE ROSAS: -- Nick -- Nick was the manager, correct?

7 MS. CACACCIO: Yes.

8 JUDGE ROSAS: All right. Take it back so it's clear as to
9 what she did with the form.

10 Q BY MS. CACACCIO: After you filed the form, did you ever
11 speak to management about it?

12 A Oh, we had spoken to Nick, yes.

13 Q And were you part of that conversation with Nick?

14 A I was not.

15 Q Up until this point -- how did you know -- how did you
16 know that people talked to Nick?

17 A Because I went in for my shift later on that next day and
18 they were, like, we talked to Nick.

19 Q Had anyone ever -- who filed the ethics complaint?

20 A It would've been Taylor Jovanovski (phonetic).

21 Q Were you part of that?

22 A I was part of that.

23 Q Up until this point, did anyone ever talk to you about the
24 issue?

25 A About --

1 Q Sorry, let me rephrase that. That question was not good.
2 Up until M.K. approached you at that meeting, had anyone
3 in management spoken to you about the complaint that you
4 raised?

5 A No.

6 Q So what happened after you -- M.K. approached you about
7 it?

8 A I said, of course, I'd love to talk about it.

9 Q Did you end up doing that?

10 A Yes, after the meeting.

11 Q How long did this meeting last?

12 A Maybe an hour or two.

13 Q Did you record this meeting?

14 A No.

15 Q So what happened during the meeting?

16 A During the meeting, they had a PowerPoint put together for
17 us and for themselves to gauge off of, and they were cherry-
18 picking certain parts of the Workers United constitution --

19 MR. BALSAM: Objection as to the word "cherry-picking".

20 JUDGE ROSAS: Rephrase that.

21 A They had certain parts of the Workers United constitution
22 presented within the PowerPoint.

23 Q BY MS. CACACCIO: Are you familiar with the Workers United
24 constitution?

25 A A bit, yes.

1 Q Was it all up there?

2 A No.

3 Q Did you speak up at this meeting?

4 A Yes.

5 Q What did you talk about?

6 A I talked about what a constitution is and what a contract
7 is.

8 Q Why did you do that?

9 A I felt uncomfortable with the way that the constitution
10 was being presented, especially with the backgrounds that I've
11 had.

12 Q What do you mean by that?

13 A I grew up in a military program and was about to join the
14 military, so I very well know what a contract is that you have
15 to sign, as well as the constitution. Also studied political
16 science, so I've read multiple constitutions, not only within
17 our states, but within other countries, so the way it was
18 represented didn't sit right with me.

19 Q Were you paid to attend the meeting?

20 A By Starbucks, yes.

21 Q Did you end up speaking with M.K. at the -- after the
22 meeting as you said?

23 A Yes.

24 Q For how long?

25 A Maybe like an hour.

1 Q And where were you having this conversation with her?

2 A In the parking lot of the hotel.

3 Q Did you record it?

4 A No.

5 Q What happened during the conversation?

6 A We talked about a few things, such as the ethics complaint
7 that we had filed and then the other grievances that I had with
8 the company in my time with them, and just normal banter
9 between two people.

10 Q So let's start with the ethics complaint. What did you
11 guys talk about with respect to that?

12 A We talked about what it was, why we filed it, and the
13 issues that we had had with Jen prior to filing the ethics
14 complaint.

15 Q And how did M.K. respond?

16 A She was disgusted by it, rightfully so, that she had been
17 with -- Jen had been with the company for a long time, and
18 these issues span for a long time, so it was disgusting to
19 hear.

20 Q And you mentioned that when you talked to M.K. you brought
21 up other grievances that you had. What did you talk about?

22 A A lot of what I talked about was my training with the
23 company.

24 Q What do you mean by that?

25 A Moreso the lack thereof of training. When I was first

1 hired prior to the pandemic, I had about ten minutes of
2 training, and that was what I had, and then another issue I had
3 was when I was promoted to shift supervisor, I ended up -- I
4 believe (b) (6), (b) (7)(C) , so I
5 had to self-isolate at that time, which meant that I couldn't
6 do the rest of my shift supervisor training, and then seven
7 months had occurred and they had yet to happen because my
8 shift -- my store manager at the time, Nick Tollar, was like,
9 oh, you're sick. I can't reschedule it. I'm trying. And I
10 let her know that, as well.

11 Q So how long were you working as a shift supervisor without
12 having been fully trained on it?

13 A About seven months.

14 Q And then, how did M.K. respond to the shift supervisor
15 training issue?

16 A Well, that's not right. That's not how we should be
17 operating. We're going to try and get this fixed as soon as we
18 can.

19 Q Was it fixed?

20 A Yes.

21 Q When was it fixed?

22 A I believe within the next week or two. I had been sitting
23 down and had the time to do my training.

24 Q Would you have been able to do that training on your own?

25 A No.

1 Q Why not?

2 A The store manager has to open the training up on, like,
3 the Starbucks server, so -- and if it was closed, I -- I can't
4 open that. I don't have access.

5 Q And who had you spoken to prior to M.K. about this issue?

6 MR. BALSAM: Objection. Leading.

7 MS. CACACCIO: I asked who. That doesn't suggest an
8 answer. It's not leading.

9 JUDGE ROSAS: Rephrase.

10 MR. BALSAM: It suggests.

11 MS. CACACCIO: What?

12 Q BY MS. CACACCIO: Did you ever speak to anyone before M.K.
13 about this issue?

14 A My coworkers.

15 Q Did you ever speak to anyone in management about this
16 issue before M.K.?

17 A No.

18 Q Did Nick know you hadn't been trained?

19 A Yes, I talked to him, so he was the management that I
20 would've spoken to.

21 Q When did you talk to Nick?

22 A A few times throughout mid -- I believe it was March when
23 I was promoted, so from March of 2021 to September of 2021, I
24 spoke to him a few times about please retrain me.

25 Q And what was his response to you?



- 1 A You know, you were sick. It's hard to reschedule you.
2 I'm trying.
- 3 Q Did you talk about anything else with M.K. in this
4 conversation?
- 5 A I -- I think just like --
6 MR. BALSAM: Objection. Asked --
7 A -- normal banter.
8 MR. BALSAM: -- and answered.
9 JUDGE ROSAS: Overruled.
- 10 A I think just the normal banter I said earlier, that I can
11 recall.
- 12 Q BY MS. CACACCIO: When was the next listening session you
13 attended?
- 14 A It had to have been another, like, two or three weeks
15 after that one.
- 16 Q How did you learn about this meeting?
- 17 A Again, through management within the store saying, hey,
18 we're trying to schedule a meeting for you guys. Come attend.
- 19 Q Where was this meeting held?
- 20 A Within the Depew store.
- 21 Q How many employees attended this meeting?
- 22 A Maybe like eight, ten, around that range.
- 23 Q What store were these employees from?
- 24 A We were all from the Depew store.
- 25 Q When was the meeting held?

- 1 A In the evening.
- 2 Q Would the store normally have been open during this time?
- 3 A Yes.
- 4 Q Was it open?
- 5 A No.
- 6 Q When did it close?
- 7 A Probably like an hour before the meeting or so.
- 8 Q And who ran the meeting?
- 9 A This one was led by, I believe, Jack Morton, who was our
10 interim store manager/support manager, and then I believe M.K.
11 was there, and I think Deanna was also there.
- 12 Q How long did this meeting last?
- 13 A I think this one might have only lasted like an hour,
14 maybe two, but I think an hour.
- 15 Q Did you record this meeting?
- 16 A I did.
- 17 Q Did you ever transmit it to the Labor Board?
- 18 A Oh, wait. I'm sorry. I'm sorry. No, I did not record
19 this meeting. I apologize.
- 20 Q So what happened during this meeting?
- 21 A This meeting was kind of like a recheck on, you know, our
22 development as baristas. We had like a little paper to fill
23 out being like where are areas, you know, we're struggling and
24 where are areas we're strong, where do we want to develop, and
25 we spoke about that, and then there was a brief time where they

1 spoke about Workers United and how the company doesn't want to
2 vote -- us to vote yes for it and stuff like that.

3 Q Were you paid to attend this meeting?

4 A By Starbucks, yes.

5 Q Did you attend any other listening sessions?

6 A Yes, I attended, I believe, one more that I can recall.

7 Q And when was that meeting held?

8 A I -- I believe another few weeks after that one.

9 Q How did you learn about this meeting?

10 A This one was not only posted but I believe we were also
11 scheduled, so it was on our schedules.

12 Q And where was the meeting held?

13 A Within our store.

14 Q And about how many employees attended the meeting?

15 A About 10 to 12.

16 Q And what store were these employees from?

17 A The Depew store.

18 Q What time was the meeting?

19 A I believe it was 6:00.

20 Q Would the store normally have been open during this time?

21 A Yes.

22 Q Was it?

23 A No.

24 Q When did it close for the meeting?

25 A It had to have been at least an hour before.

1 Q Who ran the meeting?

2 A This one, I believe -- I believe was led by M.K. and
3 Deanna and -- oh, Nathalie was also there.

4 Q What happened during this meeting?

5 A This was after we had filed our petition for the Union
6 election, so Nathalie was teaching us how to fill out our
7 ballots as part of that, and also reminding us, hey, Starbucks
8 doesn't want you to vote yes for this, but this is how you vote
9 for it, and then we were given room for questions as well as
10 just to air grievances.

11 Q Were you paid to attend this meeting?

12 A By Starbucks, yes.

13 Q I want to direct your attention to February 17th. Did you
14 attend a meeting on that day?

15 A Yes.

16 Q What kind of meeting was that?

17 A It was a shift supervisor meeting.

18 Q And had you ever had a shift supervisor meeting before the
19 Union campaign?

20 A No, not that I can recall.

21 Q Was it something you had tried to have?

22 A Yes.

23 Q So why didn't you have them?

24 A We had asked our store manager as shift supervisors, Nick
25 Toler, and he said, you know, it's really hard because we don't

1 have the labor in order to afford it.

2 Q Who attended this meeting?

3 A Most of the shift supervisors on the staff: myself,
4 Minwoo Park, Alyssa Sheida, Moriah Wilcox, and Emily lif --
5 Lichtenthal (phonetic), and then our store manager, M.G., was
6 there for the whole duration, and then I believe, like, halfway
7 through or at some point, Tiffany Mann came in, as well.

8 Q Did you record this meeting?

9 A Yes.

10 Q How did you record it?

11 A On my phone.

12 Q And what kind of phone do you have?

13 A At the time, I had a Galaxy Z Flip.

14 Q And where was your phone?

15 A It was on my person.

16 Q Have you listened to that recording?

17 A Yes.

18 Q Did you alter that recording in any way?

19 A No.

20 Q What did you do with that recording after you took it?

21 A I sent it to the Labor Board.

22 Q And were you given a transcript of this recording?

23 A Yes.

24 Q And what did you do with that?

25 A I marked up the areas where it said "unidentified speaker"

1 to the best of my ability, as well as those spots that said
2 "indiscernible", I tried to mark up to the best of my ability.

3 Q If I played it for you, would you recognize it?

4 A Yes.

5 MS. CACACCIO: Your Honor, we're looking at Exhibit 60(a),
6 being the recording and 60(b) being the transcript. The
7 recording starts exactly on time with the transcript, and the
8 recording ends -- the transcript ends at 1:25:11, and the
9 recording ends at 1:25:14, so three seconds, but I personally
10 can't recall if they're speaking then, so we're going to have
11 to -- we're playing the whole thing anyway. I'm going to need
12 a second to get this up.

13 JUDGE ROSAS: Let's take five.

14 (Off the record at 9:56 a.m.)

15 MS. CACACCIO: I'm going to be playing General -- I'm
16 going to be playing General Counsel Exhibit 60(a).

17 (Audio played at 10:01 a.m., ending at 11:02 a.m.)

18 MS. CACACCIO: Oh, we're an hour in. I know yesterday, we
19 had stopped at an hour in. I didn't know if you wanted to do
20 that again.

21 JUDGE ROSAS: Anybody need a break? We've got 25 minutes
22 left.

23 MS. POLITO: We're good.

24 JUDGE ROSAS: We're good. Play it through.

25 MS. CACACCIO: Okay.



1 (Audio played at 11:02 a.m., ending at 11:27 a.m.)

2 MS. CACACCIO: That's the end of the recording and the end
3 of the transcript.

4 Q BY MS. CACACCIO: Angel, at the end of that -- of before
5 we do that, was that meeting that you recorded?

6 A Yes.

7 Q Did you report anything after that?

8 A Not that I recall, no.

9 Q In the end of this transcript, it says they're going to
10 take a ten; did you end up going back to a meeting after that?

11 A I think it lasted for maybe, like, another half-hour or
12 so, and then we were just -- it was, like, talking mostly, and
13 then it was done.

14 Q Did you record that?

15 A I might have, but I don't really recall.

16 Q Did you transmit that to the Labor Board?

17 A If I recorded it, I did send it in.

18 MS. CACACCIO: Your Honor, I'm going to offer General
19 Counsel Exhibit 68(a), which is the recording of 60(b), which
20 is this transcript.

21 MR. BALSAM: Your Honor, in addition to the standing
22 objection that we have made on every single audio recording and
23 accompanying transcript, we also object to the introduction of
24 this audio recording and transcript on relevancy grounds. We
25 all listened to an hour and a half of a transcript where,

1 honestly, I got hungry for most of it because it talked a lot
2 about food and drinks. There's nothing relevant about this,
3 and I would -- I would request that the counsel for the General
4 Counsel proffer some basis for why this needs to be in the
5 record.

6 In addition, at the end of the recording, we heard
7 numerous individuals discussing their personal health
8 information. I think that would be an invasion of their
9 privacy, given the fact that, you know -- I'll ask the witness
10 here. But I'm assuming she's not retained the consent of any
11 of these individuals. And so to have it in the public record,
12 I think, would be beyond what would -- would normally occur in
13 this type of proceeding.

14 JUDGE ROSAS: All right, and relevance?

15 MS. CACACCIO: There are a number of relevant portions of
16 this. First, they discussed the promise of a remodel, which is
17 part of the complaint. They discussed store hours changing to
18 the store, which is an allegation in the complaint. They
19 discuss remodels of other stores, which is being offered as
20 secondary evidence, given that we haven't gotten any response
21 from Respondent pursuant to the subpoena. They discussed
22 whether or not, with the union, they could work at other
23 stores, which is also an allegation in the complaint. They
24 also discussed the schedule on Minwoo Park and Angel Krempa,
25 which is also an allegation in the complaint. They also

1 discussed a partner that only works one day a week, which, the
2 availability rules is also an allegation of the complaint. So
3 this reporting certainly contains relevant information pursuant
4 to the -- to the complaint.

5 MR. BALSAM: In addition to what I just mentioned, I will
6 also maintain that this is all cumulative of things that we
7 have already heard. Individuals that have been identified by
8 the counsel for the General Counsel presumably will come to
9 testify about their own personal experiences. And so to offer
10 this into evidence or accept this into evidence, for the
11 reasons I stated, I don't think it's an appropriate exhibit.

12 MS. CACACCIO: Your Honor, the recording is the best
13 evidence. This recording has managers making threats about,
14 when the union comes in, where they will and won't be able to
15 work.

16 MR. BALSAM: Objection.

17 MS. CACACCIO: That's an allegation in the complaint.

18 JUDGE ROSAS: Hold on, hold on.

19 What's your objection?

20 MR. BALSAM: Her -- her characterization of threats.
21 It's -- that's -- that's a legal --

22 JUDGE ROSAS: All right. Let -- let -- let her finish,
23 and you can, you know, respond.

24 MS. CACACCIO: There are allegations in the complaint
25 relating to threats about what will happen if a union comes in,

1 where employees will or won't be able to work. That's on here,
2 where a manager is discussing it. Here, manager is discussing
3 store hours changing. Here are managers discussing a promise
4 of a remodel. These witnesses aren't managers. Those are not
5 hearsay. This is the best evidence of those, and this
6 recording should be permitted into evidence. It's not
7 cumulative.

8 I understand that we're hearing similar testimony from a
9 lot of witnesses. We have 22 stores covered in this complaint.
10 Witnesses at Transit and French have different experiences than
11 the witnesses at Elmwood. So I understand that the evidence
12 may sound similar, but it is different stores, which are
13 different allegations in the complaint. It's not cumulative.

14 JUDGE ROSAS: Anything else?

15 MR. BALSAM: All I'll say is by this point in time,
16 the -- the vote that already occurred by the time of this
17 meeting.

18 JUDGE ROSAS: I'm sorry. The what?

19 MR. BALSAM: The -- the union vote had already occurred.

20 MS. CACACCIO: That doesn't -- if I may be heard, that
21 doesn't impact whether or not that's a violation. If they're
22 still unlawfully engaging in activity with the union
23 supporters, whether the vote occurred or not, just because vote
24 occurred doesn't change whether that's a violation or not.

25 MR. HAYES: Your Honor, I also don't think that's correct,

1 that the vote had been carried out. The ballots certainly
2 hadn't been counted by then. I don't think they had been sent
3 out yet.

4 JUDGE ROSAS: Okay. Anything else?

5 MR. BALSAM: No.

6 JUDGE ROSAS: Okay. Overruled. The witness is a -- in
7 the light of Section 8(a)(3), a discriminatee. She made
8 statements at this meeting which may or may not be relevant, as
9 well. However, General Counsel 60(a), the audio, as well as
10 60(b), the transcript thereof, shall be placed under seal,
11 okay, and not available for public disclosure.

12 MR. BALSAM: Thank you, Your Honor.

13 MS. CACACCIO: My concern with that, Judge, is the 10(j)
14 proceeding. If it's under seal in this proceeding, that court
15 is using this administrative proceeding for their -- for their
16 purpose, so putting it under seal becomes problematic.

17 JUDGE ROSAS: Solely with that exception.

18 MS. CACACCIO: Thank you, Judge.

19 JUDGE ROSAS: And -- and that statement needs to be
20 made -- the concerns of Respondent that they raised needs to be
21 brought to the attention of the court at that time.

22 MS. CACACCIO: And just so I'm clear, the concerns we'll
23 bring to the attention of the court is the personal health
24 information?

25 JUDGE ROSAS: Correct.

1 MS. CACACCIO: Yes, Judge.

2 **RESUMED DIRECT EXAMINATION**

3 Q BY MS. CACACCIO: Angel, who is Squid?

4 A That's Sydney Jameson-Blowers; we just know him as Squid.

5 JUDGE ROSAS: You have much more questioning?

6 MS. CACACCIO: Yes.

7 JUDGE ROSAS: About how long?

8 MS. CACACCIO: A lot.

9 JUDGE ROSAS: Okay.

10 MS. CACACCIO: This witness is turning (indiscernible) --
11 just we have a lot.

12 JUDGE ROSAS: We'll take five minutes.

13 (Off the record at 11:33 a.m.)

14 JUDGE ROSAS: On the record.

15 **RESUMED DIRECT EXAMINATION**

16 Q BY MS. CACACCIO: Angel, I'd like you to look at the
17 transcript, page 44.

18 A Okay.

19 Q Do you see where you're discussing the store's hours?

20 A Yes.

21 Q How are the store's hours handled prior to this
22 conversation?

23 A I have not seen the store hours change once, so I don't
24 really know how they would have changed prior to that
25 conversation.

1 Q Had they been addressed seasonally before?

2 A Not to my knowledge, no.

3 Q And after this meeting that you attended, what happened to
4 the store's hours?

5 A We updated them and changed them.

6 Q How many times?

7 A To my knowledge, there have been three times that I know
8 they've been changed. And I was told by a coworker they are
9 being changed again.

10 Q And those three times that you personally experienced,
11 what was the range -- the date range of those times?

12 A Like, the time frame when they changed those?

13 Q Yes.

14 A Between -- I would say after the new year to before I was
15 terminated, so January to April, I would say.

16 Q Did the changing of the store hours affect you?

17 A Yes.

18 Q How?

19 A Well, we had less hours to give out, so there were less
20 hours for me to be able to work.

21 Q I want to direct your attention to page 85 of the
22 transcript.

23 A Okay.

24 Q What's problem? It's around line 16 to 17; you wrote it
25 in, if you know?

1 A Oh, it's actually DRB. It's the daily records book.

2 Q And what's that?

3 A It is the book that Starbucks uses to record everything
4 that happens in a day where we record our milk counts, if
5 somebody is late, anything fun that happens within a day. It's
6 the base form of communication that we use within the store.

7 Q And the next page, you wrote CSR. What's that?

8 A Oh, gosh, trying to remember the correct wording.
9 Customer support role card, I believe.

10 Q What's that?

11 A The customer support is a specific role that Starbucks has
12 where they're the person who will check the lobby and clean
13 that as well as do dishes and stock milk and stuff like that.

14 Q I want to direct your attention to the next page, page 87.
15 You wrote PDC, I believe.

16 A Yes.

17 Q What's that stand for?

18 A It's the partner development check, I believe.

19 Q And we can just stay on this page. You wrote Minwoo;
20 who's that?

21 A Minwoo, that is my other coworker.

22 Q Do you know their last name?

23 A Park.

24 Q And you wrote MG in this? Who is --

25 A Yeah.

- 1 Q -- who is that speaker?
- 2 A Melissa Garcia, the sol -- store manager.
- 3 Q Later on, you wrote Tiff; who is that?
- 4 A Tiffany Mann.
- 5 Q And who is that?
- 6 A That was the support managers for my store.
- 7 Q You also wrote Alyssa; who's Alyssa?
- 8 A Alyssa Sheida. She is one of the shift supervisors at
- 9 that store at the time.
- 10 Q Did she ever become something else?
- 11 A She was promoted to an assistant store manager.
- 12 Q Did I miss any other speakers that you identified on here?
- 13 Was there anyone else in this meeting that I didn't just have
- 14 you identify?
- 15 A There was Emily Lichtenthal who was in that meeting that
- 16 we spoke of earlier as well as Moriah Wilcox, who was also in
- 17 that meeting. I believe that should be everyone.
- 18 Q What's Emily's title in your store?
- 19 A Emily was a shift supervisor.
- 20 Q And what about Moriah?
- 21 A Also a shift supervisor.
- 22 Q All right. Forgive me if I didn't ask, what was -- what's
- 23 Min's title in your store?
- 24 A Shift supervisor.
- 25 Q At the start of -- in August of 2021, how many employees

1 worked in your store approximately?

2 A Maybe like 28 to 30.

3 Q Did that ever change?

4 A Yes.

5 Q When?

6 A After the union campaign.

7 Q And before we move here, this meeting you attended on
8 February 17th, had your store voted yet for an election?

9 A No.

10 Q When did that happen?

11 A I believe we were certified on March 23rd. And our vote
12 was I -- I could be wrong, but I believe it was March 9th. It
13 didn't happen until March because our vote was delayed.

14 A Back to the employees, you said that it changed after the
15 campaign. How did -- how did the number of employees in your
16 store change?

17 A I -- it -- there was a significant increase.

18 Q How many -- how was it increased?

19 A The number that I can best recall is like 38 personnel on
20 staff.

21 Q Where were these new employees trained?

22 A They were trained at the Walden Anderson location.

23 Q Was that something typically that had happened in your
24 experience?

25 A No.

1 Q Where were the employees usually trained?

2 A Within the store that they applied for.

3 Q Did you work with any of these new employees after they
4 arrived in your store?

5 A Yes.

6 Q How many of them did you work with?

7 A All of them; probably at least six of them directly.

8 Q And with those people that you directly observed yourself,
9 how was their performance?

10 A Subpar.

11 Q Can you give any specific examples?

12 A One major example is they were not trained how to operate
13 a drive thru and we are a drive thru mostly based business, so
14 I had to teach them that. They didn't understand how a three-
15 compartment sink worked, so I had to teach them how to do that,
16 which is a base level thing when you come into anywhere, how to
17 properly on the floor or how to make most of the drinks that we
18 sell.

19 Q Were you compensated for teaching all of those things you
20 just mentioned?

21 A No.

22 Q How many different shifts does your store run?

23 A I -- I would say like three, like an open shift, a mid-
24 shift, and a close shift if that's what you mean.

25 Q So for the opening shift, how many employees does your

1 store need to be fully staffed in your experience?

2 A Right at open, like three to four, but that entire shift
3 around maybe like ten at max -- ten -- eight to ten.

4 Q And what about mid-shift? How many employees does your
5 store need to be fully staffed in your experience?

6 A Probably like -- again, like eight at max for that time.

7 Q And what about evening shift? How many employees does
8 your store need to be fully staffed?

9 A I would say like six to three at the minimum -- bare
10 minimum.

11 Q And what would you do as a supervisor if there were more
12 employees than what you just said in any of those shifts prior
13 to August of 2021?

14 A I would send them home if there's nothing to do.

15 Q After August of 2021, how many employees did you
16 experience on morning shift?

17 A There was a time where there were 14 of us on the morning
18 shift, so it averaged around like 12 people.

19 Q And what about mid-shifts? How many employees were on a
20 mid-shift after August?

21 A Like eight to ten.

22 Q And what about the night shift?

23 A No -- absolutely no less than four, but it averaged around
24 like six, I think.

25 Q So for that morning shift when you had said that you had

1 had a shift that had up to 14 people; what did you do?

2 A There wasn't much that we could do. We placed everyone in
3 their spots. And then people were told to go clean random
4 things.

5 Q Did you send them home?

6 A No.

7 Q Why not?

8 A We were told not to.

9 Q By whom?

10 A By the managers, the support managers and store manager.

11 Q Did they say why?

12 A There's stuff to always clean.

13 MS. CACACCIO: Your Honor, if we could just go off the
14 record briefly?

15 JUDGE ROSAS: Off the record.

16 (Off the record at 11:49 a.m.)

17 JUDGE ROSAS: Let's go on the record.

18 **RESUMED DIRECT EXAMINATION**

19 Q BY MS. CACACCIO: Hi, Angel.

20 A Hello.

21 Q Did you speak to anyone about the content of your
22 testimony on the break?

23 A Nope.

24 Q Did you notice any change in the way rules were enforced
25 after August of 2021?

1 A Yes.

2 Q In what way?

3 A They were more strictly enforced.

4 Q Which rules?

5 A Most specifically that I can recall dress code and
6 pertaining to dress code, more so like the piercing policy and
7 just dress code overall as well as time attendance was another
8 great one that was being enforced throughout the campaign.

9 Q Were either of those rules enforced against you?

10 A Yes.

11 Q Directing your attention to December 7th, what happened
12 that day?

13 A December 7th, I came in for my shift and I ended up -- I
14 think midway through it, ended up being served a writeup.

15 Q What was the writeup for?

16 A It was for swearing on the floor about -- I think, like
17 three weeks previous or something like that.

18 Q Do you remember the circumstances around you having sworn
19 on the floor three weeks before receiving you're writeup?

20 A Yes.

21 Q And what would that be?

22 A I believe -- I -- so I was the shift supervisor coming in
23 for a closing shift and one of my baristas had come up to me as
24 soon as my shift started and was like, hey, when can I go on my
25 break. And I was like, what do you -- what do you mean you

1 didn't go on your break. It's crossed off that you did and
2 you're like seven hours into your eight-hour shift. Are you
3 fucking kidding me? Go, now. And I said that on the floor.
4 And one of the support managers, Tiffany Mann, heard me and
5 pulled me into the back about it to ask questions.

6 Q You said it was crossed off. Can you tell us what that
7 means?

8 A We have a -- like a -- what is it called? Like a daily
9 record sheet where the schedule for everybody who's supposed to
10 be on that day is written onto there. And it also breaks down
11 when their breaks are supposed to be. So the shift supervisors
12 on, they'll typically X out the marked off break area after
13 that specific person took their break.

14 Q And you said Tiffany pulled you in the back. When you say
15 pull in the back, what do you mean?

16 A She asked me to like, go into the back room.

17 Q And what happened in the back room?

18 A She pretty much asked me the same thing you did. Why did
19 you swear on the floor? What's going on?

20 Q And what happened?

21 A I told her what happened.

22 Q What did she say?

23 A She said, well, you know, you can't say that. And I was
24 like, yes, I'm so sorry.

25 Q Did she tell you were going to get a written discipline

1 for it?

2 A No.

3 Q Did you ever receive a written discipline?

4 A I ended up, yes.

5 Q If I showed you a copy of that, would you be able to
6 identify it?

7 A Yes.

8 MS. CACACCIO: Showing the witness General Counsel Exhibit
9 61.

10 Q BY MS. CACACCIO: So if you can take that one out and then
11 flip the other documents over, so you're only looking at GC-61.

12 A Okay.

13 Q What is General Counsel Exhibit 61?

14 A It's a corrective action plan.

15 Q And when did you receive it?

16 A I received it on the 7th of December.

17 Q What happened -- how -- how did you receive this doc --

18 A I believe it was like midway through my shift roundabout
19 and Tiffany Mann had pulled me aside, like, hey, I just want to
20 speak to you really quickly. And I was like, okay, yeah. Let
21 me just check the floor real quick, make sure everything's okay
22 because I was supposed to go on my break right before that. So
23 I checked on the floor and everything was okay. So I went and
24 sat down with her at a table near the bathrooms, which is like
25 on the furthest end of the store. And so then we just started

1 to discuss.

2 Q And who was in this discussion?

3 A At -- at first, it was Tiffany and myself. And then
4 midway through, MK joined in the conversation.

5 Q What happened in this meeting?

6 A She presented me this paper and was like, hey, I just
7 wanted to follow up with you about this incident when you're --

8 Q Who -- who presented it to you? You said she did.

9 A Sorry. Tiffany Mann.

10 Q Okay. I'm sorry. Go ahead.

11 A So Tiffany presented me this paper. I was like, hey, you
12 know, I know we handled this, and you've been doing super-duper
13 great with your swearing. I haven't heard you do it at -- once
14 at all, but I have still have to give you this form.

15 Q Did you respond?

16 A I was like, I think I was like, oh, okay.

17 Q And what happened then?

18 A I think like -- that was around midway through when MK
19 entered the store and asked if she would like -- if she could
20 sit with us.

21 Q And what happened then?

22 A She ended up sitting up with us and we continued the
23 conversation.

24 Q What did you talk about at that point?

25 A I believe it was just a continuation of why the corrective

1 action form was presented to me and any questions I had
2 pertaining to such.

3 Q Why were you so upset about that partner not having a
4 break when it was marked off?

5 A Well, you're seven hours into a shift, and by law, you're
6 supposed to have a break every six hours. So there was a
7 violation of the rights right there that made me extremely
8 upset. But also that it was written down that they took it.
9 And nobody had told me when I was starting my shift that day
10 that they actually didn't. And if I didn't send them on their
11 break, not only would I be in trouble, but so would the
12 company. So I was like, we have to send this person on this
13 break.

14 MS. CACACCIO: Your Honor, I'm offering General Counsel
15 Exhibit 61.

16 MR. BALSAM: I have no objection.

17 JUDGE ROSAS: General Counsel 61 is received.

18 **(General Counsel Exhibit Number 61 Received into Evidence)**

19 Q BY MS. CACACCIO: Had you ever heard anyone swear in your
20 store prior to August of 2021?

21 A Yes.

22 Q How often?

23 A All the time.

24 Q Who did you hear?

25 A It would range from customers to baristas to even the

1 store manager at the time.

2 Q And who was the store manager at the time?

3 A Nick Tollar.

4 Q Do you remember what, if anything, would be said when you
5 heard people swear by manager?

6 A Like, what the response from the manager would be?

7 Q Correct.

8 A Be like, hey, quiet down. And that would pretty much be
9 the extent of anything I ever heard.

10 Q To your knowledge, do you don't know anyone who was ever
11 written up for swearing at your store prior to August of 2021?

12 A No, not to my knowledge.

13 Q I want to look back at GC-61. Do you still have it in
14 front of you?

15 A Yes.

16 Q Do you see that box that's checked final written warning?

17 A Yes.

18 Q Had you ever received a warning prior to this discipline?

19 A No.

20 Q You also mentioned that dress code rules were being more
21 strictly enforced. Did you actually learn about that happening
22 or did it just start happening?

23 A I think more -- kind of like simultaneously.

24 Q So tell me what you learned?

25 A That a lot of the freedom that we had with our dress code

1 was benign and didn't really matter anymore.

2 Q And who told you that?

3 A Tiffany Mann did as well as the other support managers in
4 that store.

5 Q Do you remember specifically what they would say?

6 A We have to make sure that we are enforcing the rules. I
7 know -- you know, this is uncomfortable, but we have to start
8 enforcing them right now.

9 Q When was that?

10 A Probably around like October/November is when it started,
11 I would say.

12 Q Were you ever spoken to about the dress code?

13 A Prior to the campaign?

14 Q Yes.

15 A No.

16 Q What about after the campaign?

17 A Yes.

18 Q When?

19 A On numerous occasions, I can't really recall.

20 Q Do you have any specific examples?

21 A There is an example of my apron and the way I tied it.

22 A Let's talk about that. How do you tie your apron?

23 Q I tie my cooking aprons around my waist --

24 MR. BALSAM: Objection. Objection. Could we clarify a
25 time frame here?

1 MS. CACACCIO: Sure.

2 Q BY MS. CACACCIO: When -- when were you spoken -- how --
3 how did you learn that the way you tied your apron was a
4 problem?

5 A Tiffany Mann had approached me and said to me that it made
6 her feel uncomfortable.

7 Q And when did that happen?

8 A I would say around that October/November range.

9 Q And so tell me how you tie your apron?

10 A So the aprons strings are super-duper long, so I tied
11 around my waist and then into the front to make sure I don't
12 step on them.

13 Q Prior to August of 2021, did anyone ever speak to you
14 about that?

15 A Nope.

16 Q And how long were you -- had you been tying your apron in
17 front like that?

18 A Since I was a child.

19 Q Did you tie it like that at work as well?

20 A Yes.

21 Q How did Tiffany speak to you about this apron-tying issue?

22 A The first instance was about, hey, you can't be doing
23 that. You know, it just really doesn't look great. It -- you
24 know, it makes me feel uncomfortable. And then I believe it
25 was like later in that week probably, she came up to me again

1 and was like, I actually checked the dress code, and you are
2 breaking dress code.

3 Q What did you say?

4 A I said, how am I breaking dress code? And she said that
5 it's technically a distraction to the siren, which is a symbol
6 on the front of our apron.

7 Q And what did you say?

8 A I didn't understand that because we're allowed to wear as
9 many Starbucks issued pins as we want, so how would my apron
10 string be considered a distraction.

11 Q And did she respond?

12 A She responded with, well, actually, it's considered a
13 folded apron, but you can't fold your apron.

14 Q And what did you say?

15 A I said how is this considered a fold.

16 Q What did she say?

17 A It's considered a fold. Your -- you can't do it.

18 Q So what happened?

19 A I -- I went and tied it behind my back and ended up
20 stepping on it a lot.

21 Q Had anyone ever spoken to you about the way you tied your
22 apron prior to these conversations you had with Tiffany?

23 A No.

24 Q I want to direct your attention to February 16th, 2021.
25 What happened that day?

1 A February 16th, I believe I was talked to -- can't
2 remember. Sorry. I believe I was talked to about my
3 piercings.

4 Q Okay. Do you remember ever being spoken to about your
5 pins?

6 A Oh, yes.

7 Q Do you remember about when that happened?

8 A That would be around the February area.

9 Q When did you start wearing pins at work?

10 A Since I started.

11 Q And when you started at Starbucks, what pins did you wear?

12 A I started with my have hope, it's okay not to be okay pin.
13 It's a Hope for the Day Foundation, the manner of suicide
14 awareness.

15 Q Did you wear any other pins when you started?

16 A I continued to add pins as my employment went on.

17 Q And let's talk about what -- what pins you added prior to
18 the campaign. Prior to August of 2021, what pins had you worn
19 up to that point in the store?

20 Q I had worn that one. I had a be kind pin in the shape of
21 a bee. I had a pronoun pin that my coworker, Sydney, gave me.
22 I wore my partner of the quarter pin that Starbucks issues as
23 well as a military appreciation pin, a Pride pin for a while.
24 What else was I wearing? There's another Starbucks-issued pin
25 that I was wearing. For a while, I wore an enamel pin that

1 looked like boba that had like skulls on it. What else did I
2 wear? Oh, there were two ghosts hugging that I had as a pin
3 and probably another random two or three Starbucks-issued pins
4 that I can't fully recall.

5 Q And how many of those pins did you wear simultaneously
6 prior to the union campaign?

7 A All of them.

8 Q And what about after August of 2021? What pins would you
9 wear?

10 A I continued to wear those up until I was spoken to with
11 Tiffany Mann about my pins.

12 Q Prior to speaking to Tiffany about your pins, had you ever
13 spoken to any other Starbucks managers about what pins you
14 could or couldn't wear?

15 A Yes.

16 Q Who did you speak to?

17 A I spoke to Nick Tollar when I was being employed.

18 Q Why did you talk to him about your pins when you were
19 being employed?

20 A We were going over the dress code. And I saw that, you
21 know, Starbucks-issued pins only. And I said, hey, I have this
22 pin, had hope, it's okay not to be okay, that means a lot to
23 me, and it seems to really align with the Starbucks mission and
24 value statement. Would it be okay if I wore this? And he
25 said, yes, of course. It makes sense.

1 Q Did you talk to him at that time about any other policies
2 that you noticed when you were going through that with him?

3 A Yes.

4 Q What policies did you talk to him about?

5 A The piercing policy.

6 Q And what did you guys discuss about the piercing policy?

7 A I was being hired on pre-pandemic with multiple facial
8 piercings. I have three in my nose right now. And the
9 Starbucks policy says that you can only have one facial
10 piercing. So while I was sitting down during my onboarding, I
11 was like, hey, I see this policy, but I really don't feel
12 comfortable taking them out. I just left a job that made me do
13 that midway through my employment. And you know, is it okay if
14 I keep these in? And he said, yes, of course. I want you on
15 my team. Why would I make you take them out?

16 Q So I want to go back to the conversation that you had with
17 Tiffany on the -- on -- about your pins. What ha -- what was
18 happening that day? What were you doing that day?

19 A That day, I was working a barista shift, and I was working
20 over in the drive thru area, cleaning it up and working -- not
21 only drive thru order, but drive thru register as well as the
22 warming area and as well as a cleaning task at the same time.
23 So I was wearing four hats at once.

24 Q And what happened?

25 A She had come over to me while I was cleaning an oven at

1 that time and was trying to talk to me about my pins and I was
2 just trying to focus on my job at that time.

3 Q Was this the -- was this the first time she had seen you
4 wear those pins?

5 A No.

6 Q So what happened?

7 A She said, you know, we're just going through the updated
8 dress code policy. And I see that you're wearing multiple pins
9 that aren't Starbucks approved, so you're going to have to take
10 those off.

11 Q And what did you say?

12 A I was like -- I -- I think it was like, I don't feel
13 comfortable in this moment -- like continuing this discussion
14 or something like that. I have to do dishes. I just tried to
15 continue on with my work in that moment.

16 Q And what happened?

17 A She continued to try to have the conversation with me.
18 And I ended up -- I think I had the oven plate in my hand, and
19 I was trying to go to the back room, and I heard a ding on my
20 drive thru headset since I was wearing it, since I was taking
21 orders. And I said, I have a car, I need to go. Like, I can't
22 continue this conversation.

23 Q Can you tell us a couple of things? One, what's the --
24 what's the plate that you we're talking about?

25 A Inside of the oven, there's a plate that the food warms

1 on. And so midway through the day, our store will clean the
2 ovens because they have to be cleaned once a day. So I was
3 taking that in the back to the back sink in order for it to be
4 washed.

5 Q And what did the ding in your headset indicate to you?

6 A That there was a car at the drive thru speaker ready for
7 their order to be taken?

8 Q So what happened after you -- I'm sorry. Are you -- are
9 you evaluated based on your drive thru times?

10 A Yes.

11 Q So what happened after you told her you heard the ding?

12 A I went to take the order.

13 Q And what did she do?

14 A She let me take that order in that moment. And I think
15 like five minutes later, she pulled somebody over to take over
16 my position, so she could continue the conversation.

17 Q And what did you do then?

18 A I had to go continue the conversation.

19 Q And what happened -- where did you have that conversation?

20 A We had it in the lobby around the corner from the back
21 area.

22 Q And what happened?

23 A We sat down, and she's like, you know, I don't like
24 leaving conversations on a bad note, so I would love to
25 continue to discuss the situation.

1 Q And what did you say?

2 A I said, well, you know, I'm here, so if we have to. So
3 let's continue to discuss and everything like that.

4 Q And what happened?

5 A We continued to discuss, and I let her know that I just
6 didn't understand why the policies were being enforced this way
7 when they hadn't been previously. And that's just not how a
8 union drive works.

9 Q What did she say?

10 A She says, well, we just got to make sure that we're
11 following all the policies and we're keeping up with the
12 Starbucks mission.

13 Q And what happened then?

14 A I think I took most of my pins off that I had that weren't
15 Starbucks issued.

16 Q Do you remember leaving any of them on?

17 A Yes.

18 Q Which ones did you leave on?

19 A I left on my pronoun pin that says, she, they, my have
20 hope, it's okay not to be okay pin, and my be kind pin.

21 Q Do you leave on any union pins?

22 A Yes.

23 Q What one did you leave on?

24 A The -- the Memphis 7 one I believe.

25 Q Did you discuss anything else in this conversation with



1 her that day?

2 A Yes. I be -- or was it that day or was it the next day?
3 I believe I started to discuss the piercing policy with her
4 that day.

5 Q Okay. Do you remember anything you talked about with her
6 on that policy that day?

7 A Just that I felt kind of uncomfortable that they're going
8 to start enforcing this soon because they were hiring people on
9 throughout this campaign with multiple piercings. And I was
10 hired on with it as well, so.

11 Q Did she say anything about it in that moment?

12 A Not that I can recall.

13 Q Did she tell you, you were going to get a written
14 discipline for this?

15 A No.

16 Q When did you get the Memphis 7 support pin?

17 A It would have been the same week that they were discharged
18 from that company, so maybe February.

19 Q And how did you get the pins?

20 A There was a notice posted -- I think, like within one of
21 the gazillion group chats that I'm kind of in. And they were
22 like, hey, you guys want Memphis 7 pins for your store. You
23 can come to the office and grab them.

24 Q So what did you do?

25 A I went to the office, and I grabbed them.



1 Q What did you do with them after you grabbed them?

2 A Oh, I went into work the next day and I was already
3 wearing one. And people were -- my coworkers were like, oh,
4 that's a nice pin. And I was like, you want one? And they
5 were like, yeah. And so I just pulled it out of my pocket and
6 would start giving them to my coworkers.

7 Q About how many pins did you give out that day?

8 A Maybe like -- I'm trying to think how many people were on
9 staff because I gave it to pretty much everyone on staff that
10 day, so maybe -- maybe -- maybe like 12 maybe.

11 Q And what -- what else, if anything, happened that day?

12 A Later on that day, I believe it was that day or is the
13 next morning, I can't recall which -- which or either, but I
14 was approached by my coworker, Alyssa Sheida, if I had
15 distributed the pins myself.

16 Q And what position did Alisha -- Alyssa have at that point?

17 A She had just been recently promoted to an assistant store
18 manager.

19 Q And when did that happen?

20 A Like that day.

21 Q And who else was with you and her in this conversation?

22 A I don't -- I don't recall if anybody was actually within
23 the conversation. I don't -- I think it was just the two of
24 us.

25 Q And where did you have the conversation?

1 A Right in the back room.

2 Q And what did she tell you?

3 A She was like, oh, I saw that you had all the buttons.

4 Were you the one giving them out and everything like that? And

5 I was like, yeah, do you want one?

6 Q What did she say?

7 A Okay.

8 Q Do you remember the day that Alyssa was promoted?

9 A It was either --

10 MR. BALSAM: Objection. Asked and answered. She just
11 said like that day is what she testified to already.

12 JUDGE ROSAS: I'll allow it

13 Q BY MS. CACACCIO: Do you remember the day Alyssa was
14 promoted?

15 A I believe, if I remember correctly, it was either February
16 23rd or 24th.

17 Q And do you remember what, if anything, else happened that
18 day?

19 A Yes. There was a party going on within the store for one
20 of my coworkers, Shawn Ealy (phonetic throughout). He was
21 celebrating his 20 years with the company.

22 Q And so what happened in that celebration?

23 A A bunch of people from upper management came to celebrate
24 him as well as -- oh, what's his name? I mea -- not -- no, I
25 think it was one our New York State representatives was also in

1 presence at that meeting as well. But yeah, it was just like a
2 little party and celebration, and we invited the community to
3 come help and support Shawn on his 20 years.

4 Q Did anyone else -- did anyone from Starbucks management
5 come for that celebration?

6 A Yes.

7 Q About how many people from Starbucks management
8 specifically?

9 A Six, if I can recall.

10 Q At the time of this party, did you have the Memphis 7
11 pins?

12 A Yes.

13 Q Did you ever take a photograph of your pins?

14 A Yes.

15 Q If I showed you a copy of a photograph, would you
16 recognize it?

17 A Yes.

18 Q Showing you what's General Counsel Exhibit 62.

19 A Okay.

20 Q What is this a photograph of?

21 A This is a photograph of the pins that I've been wearing.

22 JUDGE ROSAS: Can you put that -- can you separate it from
23 the pile and turn over the rest of the pile, the picture you're
24 looking at?

25 THE WITNESS: Oh

1 JUDGE ROSAS: This one? Set -- turn everything else over.

2 THE WITNESS: Oh, okay. Sorry about that.

3 Q BY MS. CACACCIO: Can you identify some of these pins for
4 us? What's the blue one on the top left?

5 A That is my pronoun pin that my coworker gave me.

6 Q And what's the black pin in the middle?

7 A That is the have hope, it's okay not to be okay pin that
8 I've been wearing.

9 Q And what's the pin beneath that?

10 A That's a partner of the quarter pin that I got from
11 Starbucks.

12 Q What's the pin to the right of the partner of the quarter
13 one?

14 A That would be the we stand with Memphis 7 pin.

15 Q What's partner of the quarter?

16 A I was nominated by my coworkers in my store, I believe it
17 was two quarters previously maybe, that I was one of their
18 favorites and was one of the best-working members in that store
19 at that time.

20 Q What's that gold star pin?

21 A I believe that's the military appreciation one I was
22 referencing.

23 Q And what's the pin to the right of that that looks like it
24 has the siren?

25 A Yes. That is my one-year anniversary with the company

1 then.

2 Q What's the pin above that with the white?

3 A Those would be the two ghosts hugging.

4 Q And the pin to the left of that?

5 A And my be kind pin.

6 MS. CACACCIO: Your Honor, I offer General Counsel Exhibit
7 62.

8 MR. BALSAM: Brief voir dire?

9 **VOIR DIRE EXAMINATION**

10 Q BY MR. BALSAM: With respect to General Counsel's Proposed
11 Exhibit Number 62, when did you take this picture?

12 A It had been after Tiffany Mann had spoken to me to ask me
13 to take off my pins.

14 Q What date was that?

15 A I believe we were talking about February 17th.

16 Q And this is the -- you said you had worn your pins pretty
17 consistently throughout your employment with Starbucks; is that
18 correct?

19 A Yes.

20 Q Are these the -- the full scope of the pins that you wore
21 at -- consistently with Starbucks?

22 A Consistently, yes, other than the Starbucks Workers United
23 pin that I had mentioned previously. And then there was the
24 boba pin that I wore a few times, but I did not wear that one
25 consistently.

1 MR. BALSAM: I have nothing further and no objection to
2 this.

3 JUDGE ROSAS: General Counsel 62 is received.

4 **(General Counsel Exhibit Number 62 Received into Evidence)**

5 **RESUMED DIRECT EXAMINATION**

6 Q BY MS. CACACCIO: Were you ever spoken to again about your
7 pins?

8 A Yes.

9 Q What happened?

10 A I was served a writeup about -- I think a week or two
11 later about my pins.

12 Q How did you receive that writeup?

13 A I -- I think like every time pretty much I was pulled
14 aside like right before I was supposed to take my break and it
15 was on the premise of, hey, I just want to do a Quick Connect
16 with you.

17 Q And what happened in this Quick Connect? Who were you
18 speaking to?

19 A I was speaking with Tiffany Mann and MG, the store
20 manager.

21 Q And just so the record's clear; is it MG?

22 A Yes.

23 Q Is that what you said? Okay. I just didn't hear it. And
24 what happened in this conversation?

25 A So we went over to the side away from the bar area to

1 continue the discussion. And they're like, hey, you never took
2 off all your pins, so here's your writeup.

3 Q And what did you say?

4 A I was a like, okay.

5 Q Did you talk about anything else in this conversation?

6 A Yes. That's where the continuation of my fear of the
7 piercing policy happened because the conversation continued off
8 of we appreciate your, like -- what's the word? Sorry. Like,
9 your compliance with dress code and how well you've been making
10 sure that the rest of your coworkers are complying. So you
11 know, we're just moving down this line of the dress code sheet
12 that they were showing me. And next on the line was the
13 piercing and tattoo policy. And I was like, I don't find you
14 guys enforcing these within the next two weeks very fair.

15 Q And why did you say that?

16 A I said that not only because I myself was hired on with
17 multiple facial piercings, but through the campaign they hired
18 on multiple people within my store with multiple facial
19 piercings.

20 Q And what did they say in response?

21 A We just got to enforce the rules.

22 Q So what did you say?

23 A I said, well, I don't find this fair at all. And I feel
24 very uncomfortable with the fact that you guys are going to do
25 this. So how can I, as a worker, stay on top of this to make

1 sure that this doesn't harm the workers in the store?

2 Q And what did they say?

3 A Tiffany responded and was like, you know, I really
4 appreciate you wanting to take this next step. The next step
5 really is for us to discuss this with the district manager, MK,
6 and see how we can go about it from there.

7 Q Did that ever happen to your knowledge?

8 A To my knowledge, Tiffany did speak with MK.

9 Q And how do you know that?

10 A She came up to me I think within that week and told me.

11 Q And what did she tell you?

12 A She told me that she had spoken with MK and that MK spoke
13 with whoever, and they found that the company finds no reason
14 to review the policy at this time, so they're just not going
15 to.

16 Q And what did you say?

17 A I was like, well, that sucks.

18 Q So I want to turn your attention back to this discipline
19 you received. Did you ever get a copy of it yourself?

20 A Yes.

21 Q If I showed you a copy, would you recognize it?

22 A Yes.

23 MS. CACACCIO: Showing the witness General Counsel Exhibit
24 63.

25 Q BY MS. CACACCIO: Let me know when you have it.

1 A I have it.

2 Q What is this document?

3 A This document is the formal corrective action complaint
4 that they filed on my behalf.

5 Q And what's the -- that -- where it says partner statement,
6 what's in that box? What -- not -- not specifically what is in
7 there. Did you write that?

8 A Yes.

9 Q And is your handwriting on the side, too?

10 A Yes.

11 Q Is this a full copy of the corrective action form that you
12 received?

13 A Yes. There -- there might be a back that just has like
14 the normal Starbucks like logo or something, but I believe this
15 is it.

16 MS. CACACCIO: Your Honor, I'm going to offer General
17 Counsel Exhibit 63.

18 MR. BALSAM: I have no objection.

19 JUDGE ROSAS: General Counsel 63 is received.

20 **(General Counsel Exhibit Number 63 Received into Evidence)**

21 JUDGE ROSAS: So just before we leave it, were these
22 comments in the margin on or about the time you received this?
23 When were they put on there?

24 THE WITNESS: At the time I received it, yes.

25 Q BY MS. CACACCIO: Did you agree with everything that was



1 in the manager's statement box on that corrective action form?

2 A No.

3 Q Why not?

4 A It seemed that the -- there were a few more pins labeled
5 on here than I was wearing at the time.

6 Q Is there anything else that you found to be problematic in
7 that manager statement?

8 A Really the failure to communicate with dignity and
9 respect.

10 Q Why were you upset about that?

11 A Because I tried my hardest to, and Tiffany was the one
12 disrespecting my work in that moment. So I was -- I tried my
13 best to be as respectful, and I felt that I was. But I felt
14 that my space was being invaded at that time as well.

15 Q What, if anything, did you do after you received this
16 discipline?

17 A I continued to wear my pronoun pin and my have hope pin.
18 I think I finally took off my be kind pin at that point. And I
19 wore my Memphis 7 pin still.

20 Q Where did you wear your -- oh, sorry. Did anything happen
21 after -- after you took off some of your pins?

22 A Yes. Because I was still wearing the pronoun pin and the
23 have hope pin, I was spoken to again by Melissa Garcia about
24 it.

25 Q And what did Melissa Garcia tell you?

1 A She said, you know, I thought you understood the rules and
2 everything like that. And you know, I gave you the opportunity
3 to do -- you know, what you're supposed to do. And I said, you
4 know, I hear and understand you. Starbucks doesn't provide the
5 proper pronoun pin for my pronouns. So I continued to wear
6 that. And you know, I have a really strong relationship with
7 the Have Hope Foundation. So I'm sorry that suicide ideation
8 and suicide awareness is something that I feel very passionate
9 about, but I'm going to try and wear this pin however I can
10 because this helps me.

11 Q How does it help you?

12 A It -- it --

13 MR. BALSAM: Objection. Relevance.

14 JUDGE ROSAS: Try rephrasing it.

15 Q BY MS. CACACCIO: Why -- why do you feel so strongly about
16 the Have Hope pin?

17 MR. BALSAM: Same objection, Your Honor. I don't know how
18 this is relevant. This issue is whether or not -- it's a pin
19 issue. It's not what -- why is she wearing a pin.

20 JUDGE ROSAS: It's been described, right?

21 MS. CACACCIO: Yes, Judge.

22 JUDGE ROSAS: That's enough. Sustained.

23 Q BY MS. CACACCIO: So what did you do after you had this
24 next conversation with MG about the pin?

25 A I took off my pronoun pin and I moved my have hope pin

1 from my apron to my shirt.

2 Q Did anyone say anything to you about it having been on
3 your shirt rather than your apron now that you've moved it?

4 A Not directly, no.

5 Q Were you ever disciplined again after this?

6 A Yes.

7 Q When?

8 A I -- maybe in -- mid-March -- mid-March.

9 Q What happened that day?

10 A It was for a -- it was under the piercing policy
11 violation. And I had been working an extremely understaffed
12 shift at that time. And you know, for two hours I was doing
13 the job of six people kind of thing. So after there was
14 finally a break, I went into the back to take a sip of my water
15 and I pulled my mask down. And my store manager at the time,
16 Melissa Garcia, was at the back desk and --

17 Q Why did you pull your mask down?

18 A Because I had to take a sip of water.

19 Q What happened?

20 A So I took a sip of water. She was sitting there and saw
21 me take a sip and saw that I still had the three facial
22 piercings under my mask. And she said, can you take one of
23 those out. And I said, no.

24 Q And what did she say?

25 A She said, are you sure? And I said, yes. I am sorry, but

1 no.

2 Q And what did she say?

3 A She said, okay. I don't know what's going to happen after
4 this. And I said, okay.

5 Q And what did you do then?

6 A I continued on with my shift up until when she arrived
7 back in the store at 4 p.m.

8 Q When you were in the back, taking your sip of water were
9 you visible to customers?

10 A No.

11 Q How do you know that?

12 A Because there's a swinging door that divides the back and
13 the front and the swinging door, I believe, is closed.

14 Q You said you were spoken to later. When did that happen?

15 A Around 4 p.m.

16 Q And what happened then?

17 A I was getting ready to go take my break, and all of a
18 sudden, MG is back in the store, even though she had left at
19 2:30 for the day. And she said, hey, I just have to connect
20 with you really quick. And I said, okay, hold on. I'm
21 about -- I was about to take my break. Give me a moment, so I
22 can just check on the floor and make sure everyone's okay.

23 Q Did you do that?

24 A Yes.

25 Q And did you do anything else at that point?

1 A Yes. I had a feeling that I was going to be disciplined,
2 so I went into the back and also re -- hit record on my phone.

3 Q Do you still have that recording?

4 A Not on me at this moment, but yes.

5 Q Have you listened to it?

6 A Yes.

7 Q Did you alter it in any way?

8 A No.

9 Q What did you do with the recording after you made it?

10 A I immediately sent it to the Labor Board.

11 Q At the time that you had made this recording, had you
12 already spoken to the Labor Board?

13 A Yes.

14 Q Did you review a transcript for this recording?

15 A Yes.

16 Q What did you do with it?

17 A I marked up the areas where it said undistinguishable
18 speaker the best that I could and if there was an undiscernible
19 spot, I tried my best to clear that up.

20 MS. CACACCIO: We're going to be playing General Counsel
21 Exhibit 64(a). I believe the -- the transcript starts at about
22 1:05 on this recording. I'm going to need a second to setup,
23 Judge.

24 (Audio played at 1:23 p.m., ending at 1:23 p.m.)

25 MS. CACACCIO: The recording's only 2:44 long, Judge.

1 (Audio played at 1:23 p.m., ending at 1:25 p.m.)

2 MS. CACACCIO: So that's where the transcription starts.
3 I don't believe there's anything transcribable in that first
4 minute and five seconds, but if Respondent would like for me to
5 try to have someone transcribe that, let me know.

6 MR. BALSAM: Your -- Your Honor, if we can identify the
7 speakers to the best of this witness' ability, that would be
8 helpful, and the location of where this recording is taking
9 place would be helpful as well.

10 Q BY MS. CACACCIO: Did you just listen to that first minute
11 and five seconds, Angel?

12 A Yes.

13 Q Do you know what was happening there?

14 A Yes. I was taking an order at the front register.

15 Q Are you able to identify any of the speakers?

16 A There was myself and the loud laugh and the loud voice was
17 Hinda Scott (phonetic throughout). Those are the only two
18 voices that I was able to pick up.

19 MR. BALSAM: That's fine. You can continue with the
20 transcript -- with the audio file.

21 MS. CACACCIO: I just -- would you like for me to have --
22 try to have that transcribed?

23 MR. BALSAM: In -- in a perfect world, just because there
24 were certain things that were said that I think I heard, but I
25 would like for someone to transcribe it if we can.

1 MS. CACACCIO: Okay.

2 JUDGE ROSAS: You want to start from the get-go, and
3 she'll identify the voices?

4 MS. CACACCIO: Sure.

5 Q BY MS. CACACCIO: Angel, what we're going to do is I'm
6 going to start this again. Keep that mic by your face because
7 otherwise, hearing you is going to be difficult. I will try to
8 stop the recording when I hear a voice and I'll ask if you can
9 identify them. Okay?

10 A Okay.

11 (Audio played at 1:26 p.m., ending at 1:26 p.m.)

12 Q BY MS. CACACCIO: Who's that voice, if you know?

13 A Honestly, I have no idea.

14 MS. CACACCIO: We're at three seconds.

15 JUDGE ROSAS: Now this is being transcribed by the
16 recorder. This is being transcribed -- this portion?

17 THE COURT REPORTER: Not right now.

18 JUDGE ROSAS: No, no, I'm saying, it will be?

19 THE COURT REPORTER: If you want it to, yeah.

20 JUDGE ROSAS: That's -- that's how we're doing this,
21 right?

22 MS. CACACCIO: Yeah. Provided that they can. I think
23 there's some discussion about --

24 JUDGE ROSAS: So this will be transcribed --

25 MS. CACACCIO: -- whether it's possible.

1 JUDGE ROSAS: -- this portion that is not reflected on the
2 transcript?

3 MS. CACACCIO: It's the first minute and five seconds.
4 We're at four seconds right now.

5 (Audio played at 1:27 p.m., ending at 1:27 p.m.)

6 Q BY MS. CACACCIO: Are you able to identify any of those
7 voices?

8 A No.

9 Q BY MS. CACACCIO: We're at seven seconds.

10 (Audio played at 1:27 p.m., ending at 1:27 p.m.)

11 Q BY MS. CACACCIO: Are you able to identify any of those
12 voices?

13 A The anything else was myself, I believe.

14 MS. CACACCIO: We're at 14 seconds.

15 (Audio played at 1:28 p.m., ending at 1:28 p.m.)

16 Q BY MS. CACACCIO: Do you know that voice?

17 A It -- it might have been -- that might have been Lana Ohn
18 (phonetic throughout), but I -- I'm really not certain.

19 MS. CACACCIO: We're at 22 seconds.

20 (Audio played at 1:28 p.m., ending at 1:28 p.m.)

21 Q BY MS. CACACCIO: Are you able to acknowledge any of those
22 voices?

23 MS. CACACCIO: We're at 30 seconds.

24 A The 762 was myself, again, I believe.

25 (Audio played at 1:28 p.m., ending at 1:28 p.m.)

1 Q BY MS. CACACCIO: Do you know who that voice is?

2 A No. I didn't even hear a voice.

3 MS. CACACCIO: We're at 42 seconds.

4 (Audio played at 1:28 p.m., ending at 1:28 p.m.)

5 Q BY MS. CACACCIO: Do you know who's talking there?

6 MS. CACACCIO: We're at 48 seconds.

7 A The 1238 was myself and then the girl, and continue on,
8 was Hinda Scott.

9 (Audio played at 1:29 p.m., ending at 1:29 p.m.)

10 A That would be background music that Starbucks has playing.

11 MS. CACACCIO: We're at 1:05 now, where the transcript
12 picks up.

13 (Audio played at 1:29 p.m., ending at 1:30 p.m.)

14 MS. CACACCIO: So that's 2:23 roughly -- that's where the
15 transcription ends. There's another -- 11 seconds, 20 -- 21
16 seconds.

17 JUDGE ROSAS: Okay. So the remainder that's going to be
18 played now will be transcribed in the hearing.

19 Q BY MS. CACACCIO: And I'm going to do what we just did.
20 I'm going to start and stop.

21 A Okay.

22 (Audio played at 1:31 p.m., ending at 1:31 p.m.)

23 Q BY MS. CACACCIO: Do you know that male voice that I
24 heard?

25 A That would be Dustin.

1 MS. CACACCIO: We're at 2:32.

2 (Audio played at 1:31 p.m., ending at 1:31 p.m.)

3 Q BY MS. CACACCIO: Do you know what that noise was?

4 A That was me making a beep noise.

5 MS. CACACCIO: We're at 2:36.

6 (Audio played at 1:31 p.m., ending at 1:31 p.m.)

7 MS. CACACCIO: That's the end of the recording. Your
8 Honor, I offer General Counsel Exhibit 64(a) and (b) into
9 evidence.

10 MR. BALSAM: I reiterate our standing objection regarding
11 the admissibility of these two document -- this audio file and
12 the document.

13 JUDGE ROSAS: General Counsel's 64(a) and 64(b) are
14 received over objection.

15 **(General Counsel Exhibit Numbers 64(a) and 64(b) Received into**
16 **Evidence)**

17 Q BY MS. CACACCIO: Did you receive a written discipline for
18 that?

19 A No.

20 Q Do you remember what time you ended up leaving your store
21 that day?

22 A I think it was like 4:15 or 4:20.

23 Q So about how much time did you lose?

24 A I was scheduled until 9:30, so I think that's five hours?
25 Yeah, five hours.

- 1 Q When did you go back to work next?
- 2 A The next day.
- 3 Q What happened that day?
- 4 A I came in for another closing shift and I signed in, and
- 5 immediately out of nowhere, Dustin appears.
- 6 Q Who is Dustin?
- 7 A I have no idea.
- 8 Q Do you know if he was a manager or a barista?
- 9 A I believe he was a support manager.
- 10 Q Did you have your mask on at this point?
- 11 A Yes.
- 12 Q Did you record this interaction?
- 13 A Yes.
- 14 Q How did you record it?
- 15 A On my phone.
- 16 Q Have you listened to that recording?
- 17 A Yes.
- 18 Q Did you alter the recording in any way?
- 19 A No.
- 20 Q Who can be heard on the recording?
- 21 A Myself and Dustin primarily and there might be background
- 22 noise.
- 23 Q Do you know Dustin's last name?
- 24 A Nope.
- 25 Q Did you -- did you review a transcript of this recording?

1 A Yes.

2 Q Were you able to identify the speakers on the transcript?

3 A Yes.

4 MS. CACACCIO: Your Honor, I'm going to now play 65(a),
5 which is the recording, which goes along with 65(b), which is
6 the transcript. The recordings only 39 seconds long. And I
7 believe it starts and ends with -- starts and ends with the
8 transcript.

9 (Audio played at 1:34 p.m., ending at 1:35 p.m.)

10 MS. CACACCIO: That's the end of the recording and the end
11 of the transcript. I offer General Counsel's Exhibit 65(a) and
12 65(b) into the record.

13 MR. BALSAM: I'll reiterate the same standing objection
14 regarding the -- this audio file and this transcript.

15 JUDGE ROSAS: General Counsel's Exhibit 65(a), 65(b) are
16 received.

17 **(General Counsel Exhibit Numbers 65(a) and 65(b) Received into**
18 **Evidence)**

19 Q BY MS. CACACCIO: I want to direct your attention to April
20 1st of 2022. What happened that day?

21 A I was terminated on that day.

22 Q And can you tell us what happened?

23 A I was working a barista shift. I think it was, like, a 9
24 to 5 shift. And I was over in the drive-through area, and it
25 was about time for my ten, and I had noticed a few corporate

1 people, including M.K., come in. And I looked at the shift
2 supervisor on in that moment, Lauren Duggin, and I was like,
3 please don't send me on break -- on my time right now.

4 Q And what did she say?

5 A She said, that's fine.

6 Q And what happened then?

7 A I continued on up until when my break was about to happen,
8 and I was getting anxious and really didn't want to go.

9 Q And why was that?

10 A Pretty much whenever I saw M.K., I was getting written up
11 or disciplined, and that gave me, like, a panic attack any time
12 I saw her.

13 Q So what happened next?

14 A Laura ended up having been pulled aside by, I believe,
15 M.K. and M.G. and probably two -- I don't know. I know them
16 two, at least. And thus, pulled me aside and to the back and
17 was like, Angel, it -- it's about to happen. You're going to
18 be okay, but it's about to happen.

19 Q So what did you do?

20 A I started recording on my phone, and I went over to where
21 they asked me to be.

22 Q Have you listened to that recording?

23 A Yes.

24 Q Did you alter it in any way?

25 A No.

1 Q Did you review a transcript of the recording?

2 A Yes.

3 Q What did you do with that transfer?

4 A I marked it up to the best of my capabilities.

5 MS. CACACCIO: Your Honor, I'm now going to play General
6 Counsel 66(a). I don't know where my notes are about when it
7 starts and ends, so.

8 JUDGE ROSAS: Do we believe it's for a period of time?

9 MS. CACACCIO: I don't -- I'm sorry, Judge, I don't.

10 JUDGE ROSAS: So --

11 MS. CACACCIO: I may have another chart I can look at it.

12 JUDGE ROSAS: Do we know that there is a portion that is
13 untranscribed? We don't.

14 MS. CACACCIO: I don't remember, Judge. I'm sorry.

15 JUDGE ROSAS: Okay. So let's start off with playing it
16 and see --

17 MS. CACACCIO: Yeah. I'm sorry, Judge.

18 JUDGE ROSAS: -- if it's all included.

19 MS. CACACCIO: Sorry, Judge. It's only nine minutes and
20 50 seconds, so it's not totally long.

21 (Audio played at 1:39 p.m., ending at 1:39 p.m.)

22 MS. CACACCIO: Okay. So I figured out we start right at
23 the top. Maybe why I don't have any notes on it.

24 (Audio played at 1:39 p.m., ending at 1:48 p.m.)

25 MS. CACACCIO: So that's the end of what transcribed.

1 We're at nine minutes and five seconds. The recording is nine
2 minutes and 49 seconds, so I'm going to play. If there's any
3 voices, I'll try to -- we'll have the witness try to identify
4 them. So let it play.

5 (Audio played at 1:48 p.m., ending at 1:48 p.m.)

6 Q BY MS. CACACCIO: Whose voice is that?

7 A Mine.

8 Q And who were you talking to?

9 A Laura.

10 MS. CACACCIO: Laura at nine min --

11 Q BY MS. CACACCIO: And what did you say?

12 A Oh, I got fired.

13 MS. CACACCIO: We're at nine minutes and 23 seconds.

14 (Audio played at 1:49 p.m., ending at 1:49 p.m.)

15 MS. CACACCIO: So that's the end of the recording. I'm
16 going to offer General Counsel Exhibit 66(a) and (b) into the
17 record.

18 MR. BALSAM: Same objections, Your Honor.

19 JUDGE ROSAS: General Counsel 66(a), 66(b) are received in
20 evidence --

21 MS. CACACCIO: I'd ask to --

22 JUDGE ROSAS: -- over objections.

23 **(General Counsel Exhibit Numbers 66(a) and 66(b) Received into**
24 **Evidence)**

25 MS. CACACCIO: I'd ask to take a couple-minute break if we

1 could.

2 JUDGE ROSAS: Okay. Off the record.

3 (Off the record at 1:49 p.m.)

4 **RESUMED DIRECT EXAMINATION**

5 Q BY MS. CACACCIO: Angel, did you receive a copy of your
6 termination notice?

7 A Yes.

8 Q If I showed it to you, would you recognize it?

9 A Yes.

10 MS. CACACCIO: I'm showing the witness General Counsel
11 Exhibit 67 and 68.

12 Q BY MS. CACACCIO: Angel, what's General Counsel's Exhibit
13 67? Let's start with that one.

14 A Okay.

15 Q What's 67?

16 A 67 is the front page of my notice of separation.

17 Q And what's 68?

18 A 68 is the back of that same form.

19 Q And the writing on 68, whose handwriting is that, if you
20 know?

21 A Mine.

22 Q Is this the notice of separation that you received in the
23 meeting we just heard?

24 A Yes.

25 MS. CACACCIO: Your Honor, I now offer General Counsel

1 Exhibit 67 and 68 into the record.

2 MR. BALSAM: I have no objection.

3 JUDGE ROSAS: General Counsel 67, 68 are received.

4 **(General Counsel Exhibit Numbers 67 and 68 Received into**
5 **Evidence)**

6 Q BY MS. CACACCIO: Angel, prior to this termination meeting
7 that you had, had anyone from management spoken to you about
8 your lateness on March 7th?

9 A No.

10 Q Did they ever tell you you were going to be written up for
11 it?

12 A No.

13 Q Were you late on March 20th?

14 A No.

15 Q What happened on March 20th?

16 A March 20th, I came in for a normal shift, and I worked my
17 normal time.

18 Q Do you know what they were referring to in here when they
19 wrote down March 20th?

20 A I believe they were referring to March 21st where I was
21 working a close shift.

22 Q Had anyone ever spoken to you about your lateness on March
23 21st?

24 A No, not that I recall.

25 Q On that recording, you told management that you had call



1 logs. Was that true?

2 A Yes.

3 Q Had anyone ever asked you for those?

4 A No.

5 Q Do you have your schedule and scheduled hours and punched
6 hours for March 7th? Do you -- did you ever have access to
7 that?

8 A I did.

9 Q And did -- did you ever make a record of that for
10 yourself?

11 A Yes.

12 Q If I showed you a copy of that, could you identify it for
13 us?

14 A Yes.

15 MS. CACACCIO: Your Honor, I'm showing the witness General
16 Counsel's Exhibit 69.

17 THE WITNESS: Okay.

18 Q BY MS. CACACCIO: Can you identify General Counsel's
19 Exhibit 69 for us?

20 A Yes. This is -- I think the place was called Teamworks.
21 It was the online scheduler that Starbucks provided for us.

22 Q And how do you know what the date -- what date it's from?

23 A Because it says on there that the ti -- week is from
24 3/7/2022 to 3/13/2022. And the date in question that I was
25 working Monday, the 7th, is in -- within that week frame.

1 Q And what's the green square on there? What's that
2 supposed to indicate?

3 A What I was scheduled to work that day.

4 Q And what does the square beneath that indicate?

5 A What I actually worked that day.

6 MS. CACACCIO: Your Honor, I offer General Counsel's
7 Exhibit 69.

8 MR. BALSAM: Your -- Your Honor, the copy that we have is
9 difficult to read, in particularly the green part that was just
10 testified to. And I'm wondering if Counsel for the General
11 Counsel will be able to provide a better copy.

12 MS. CACACCIO: Ironically, Judge, of course, we subpoenaed
13 this. Respondent obviously has this. And this is the best
14 copy I have. I can read it if -- or maybe the witness.

15 Q BY MS. CACACCIO: Are you able to read what's in the
16 green?

17 A Yeah, it's easy to read.

18 Q Can you read it for me?

19 A Yeah. It says 5:30 a.m. to 11 a.m. coverage, 5.50 hours.

20 Q And what about beneath that in the punched hours section?

21 A In the punched hours section in the box, it says 5:47 a.m.
22 to 11:24 a.m. Coverage, 5.62 hours.

23 MS. CACACCIO: I'm am again going to offer General
24 Counsel's Exhibit 69.

25 JUDGE ROSAS: Can -- can you see that, Counsel, in green?

1 MR. BALSAM: I -- I cannot, but I'm not going to quibble
2 over this document.

3 JUDGE ROSAS: Well, why don't you take a second because
4 I'll tell you what. My experience has been, when these things
5 get filed electronically --

6 MS. CACACCIO: Judge?

7 JUDGE ROSAS: -- material that's in color -- color-coded
8 areas --

9 MS. CACACCIO: So we're -- we're actually providing it to
10 the court reporter service electronically. It's not going to
11 be scanned, so they'll be able to zoom. You'll be able to zoom
12 in and out, so you can make it bigger if you needed to. It's
13 coming in digitally.

14 JUDGE ROSAS: Okay. But since it's in green area, it --
15 it may be obscured when it's -- when it's -- when it's put on
16 electronically.

17 MS. CACACCIO: Judge?

18 JUDGE ROSAS: So I'm just saying --

19 MS. CACACCIO: Can I share my screen?

20 JUDGE ROSAS: Yeah, yeah. Why don't you show it to
21 Counsel so -- so they could see it for the record?

22 MS. CACACCIO: I'm going to --

23 MR. BALSAM: Your Honor, as a solution, I would propose
24 that the witness just write in the correct time in the green so
25 that we're all on the same page so that, down the road, when

1 we're all reviewing this again, we're all in agreement that in
2 the green box it says the time that the witness just testified
3 to.

4 JUDGE ROSAS: Um-hum.

5 MS. CACACCIO: Why don't we just show you? Here. Hold
6 on.

7 MR. BALSAM: Or --

8 MS. CACACCIO: Here we go.

9 MR. BALSAM: -- I don't know why it's difficult just to --

10 JUDGE ROSAS: She could -- she could show you. She could
11 show, yeah. Yeah. Okay.

12 MS. CACACCIO: And it's marked --

13 JUDGE ROSAS: All right.

14 MS. CACACCIO: -- on the bottom as --

15 JUDGE ROSAS: Maybe it'll --

16 MS. CACACCIO: -- GC 69.

17 JUDGE ROSAS: -- appear that way. It appears on the
18 screen to be a little more visible.

19 MR. BALSAM: Yep. Okay.

20 MS. CACACCIO: Yeah.

21 JUDGE ROSAS: We're good?

22 MR. BALSAM: Great.

23 JUDGE ROSAS: We're good? Okay.

24 MR. BALSAM: Yes. Thank you.

25 JUDGE ROSAS: Perfect. Okay. So -- so there was no

1 objection? General Counsel --

2 MR. BALSAM: No longer. Thank you.

3 JUDGE ROSAS: No objection. So General Counsel 69 is
4 received.

5 **(General Counsel Exhibit Number 69 Received into Evidence)**

6 JUDGE ROSAS: Now do I see a bunch of documents that
7 appear to be the same or same in a series?

8 MS. CACACCIO: It's sort of, yes.

9 JUDGE ROSAS: Okay.

10 MS. CACACCIO: Do -- do you need me to do something with
11 them, Judge?

12 JUDGE ROSAS: No, no, no. I was --

13 MS. CACACCIO: Oh. Okay.

14 JUDGE ROSAS: -- going to suggest that you could do it
15 collectively.

16 MS. CACACCIO: Oh.

17 JUDGE ROSAS: If that's possible, if they're connected.

18 MS. CACACCIO: Sorry, Judge. I don't know that I can do
19 that.

20 JUDGE ROSAS: Okay.

21 MS. CACACCIO: Sorry.

22 Q BY MS. CACACCIO: Make sure you have those flipped over,
23 Angel.

24 A Yep.

25 Q Okay. I can't see it. Sorry.

- 1 A That's okay.
- 2 Q You -- in that termination meeting, you said that there
- 3 was a call log.
- 4 A Yes.
- 5 Q Do you have that call log?
- 6 A Yes.
- 7 Q How did you save that call log?
- 8 A I took a screenshot from my own phone.
- 9 Q On March 7th, who did you call?
- 10 A I called Sydney Jameson-Blowers.
- 11 Q And who was that?
- 12 A She was the opening shift supervisor that day.
- 13 Q And were you able to speak with her?
- 14 A Yes.
- 15 Q Can you tell me what happened on the morning of March 7th?
- 16 A March 7th, I awoke at my normal 4 a.m. time to get ready
- 17 for work, and I went to go start my car that was down at the
- 18 garage. When it was time to leave, I opened my garage and
- 19 realized my car wasn't started, and I was like, oh crap. So I
- 20 immediately texted the group chat, and thus, call -- called
- 21 Sydney since she was my opening supervisor that day.
- 22 Q Okay. Why didn't you call the store?
- 23 A Because it's closed. That makes no sense.
- 24 Q Would there have been anyone there?
- 25 A No.

1 Q So were you able to get a hold of her?

2 A Yes.

3 Q And what did you tell her?

4 A I said, Sydney, my car is dead. I'm so sorry. I'm going
5 to be late. She said, do you need a ride? And I said, no, one
6 is coming right now.

7 Q And what happened then?

8 A She said, okay, I will see you when you get here.

9 Q And you said you also sent a text. What did you text?

10 A There is a storewide group chat through GroupMe, and that
11 is what was referenced to in my terms of separation was the
12 LMAO, my car is dead again. I will try to be there on time.

13 Q Do you have a copy of that text that you sent?

14 A Yes.

15 Q If I showed it to you, would you recognize it?

16 A Yes.

17 Q And if I showed you the call log, would you recognize
18 that?

19 A Yes.

20 MS. CACACCIO: Your Honor, if I could just approach the
21 witness because there's documents in between. I have them in
22 order.

23 THE WITNESS: Okay.

24 MS. CACACCIO: I'm showing the witness General Counsel's
25 Exhibit 70 and 73.

1 Q BY MS. CACACCIO: Can you tell us what General Counsel's
2 Exhibit 70 is?

3 A 70 is a screenshot of my own call log.

4 Q And do you see your call to Sydney on there?

5 A Yes.

6 Q Where do you see it?

7 A Near the bottom.

8 Q And how do you know what date it's from?

9 A On top of it, near -- right underneath where it says
10 phone, it is highlighted March 7th.

11 MS. CACACCIO: Your Honor, I offer General Counsel's
12 Exhibit 70.

13 JUDGE ROSAS: And why don't you address 73 since you've
14 already --

15 MS. CACACCIO: Sure.

16 JUDGE ROSAS: -- mentioned it.

17 Q BY MS. CACACCIO: Do you know General Counsel's Exhibit
18 73?

19 A Yes.

20 Q What is that?

21 A That is a screenshot of the group chat that I was
22 referencing.

23 Q And are you in there?

24 A Yes.

25 Q Where are you in that list?



1 A I am in the middle where it references Angel Krempa, and
2 the date starts right above it, March 7th, 2022 at 5:16 a.m.

3 Q And who was this group chat for?

4 A This is for the baristas, shift supervisors, and the store
5 manager of the Transit Depew store.

6 MS. CACACCIO: I now offer General Counsel's Exhibit 70
7 and 73.

8 MR. BALSAM: Voir dire, please.

9 **VOIR DIRE EXAMINATION**

10 Q BY MR. BALSAM: With respect to the General Counsel's
11 Exhibit 70 that's being offered into evidence, I want to draw
12 your attention to the last line where it has the name Sydney
13 Jameson-Blowers. Do you see that? And then next to it, it
14 says 5:19 a.m. Is that 5:19 a.m. the -- the time in which you
15 made the call to Sydney Jameson-Blowers?

16 A Yes.

17 Q Okay. And is this document a screenshot of your phone?

18 A Yes.

19 MR. BALSAM: I'm fine with 70, Your Honor. All right.
20 I'm fine with 73, Your Honor, as well.

21 JUDGE ROSAS: Okay. General Counsel's 70 and 73 are
22 received.

23 **(General Counsel Exhibit Numbers 70 and 73 Received into**
24 **Evidence)**

25 **RESUMED DIRECT EXAMINATION**



1 Q BY MS. CACACCIO: Did you ever take a -- or did you ever
2 have access to your scheduled hours and punched hours from
3 March 21st?

4 A I did, yes.

5 Q And do you also have a call log for March 21st?

6 A I do, yes.

7 Q If I showed them to you, could you identify them?

8 A Yes.

9 MS. CACACCIO: Showing witness General Counsel's Exhibit
10 71 and 72.

11 THE WITNESS: Okay.

12 Q BY MS. CACACCIO: Can you tell the Court what General
13 Counsel's Exhibit 71 is?

14 A 71 is a picture I took of my laptop of the Teamworks
15 schedule that is made by Starbucks for our schedule for every
16 week.

17 Q And which date is the 21st of all these squares?

18 A The 21st would be the first squares all the way to the
19 left.

20 Q And what's the purple square?

21 A The purple square is the scheduled hours.

22 Q And what's the white square?

23 A That is the actual punched hours that I worked that day.

24 Q And looking to General Counsel's Exhibit 72.

25 A Okay.



1 Q What is that document?

2 A This is a document of my screenshot that I took from my
3 phone of when I had called -- made the call to Starbucks to
4 allow them to know that I was going to be late.

5 Q Okay. And when did you call the store?

6 A I called them at 3:29. So it was a minute before my
7 shift.

8 Q How do you know that's the store?

9 A That's how I had it saved in my phone.

10 Q When you called that day, did you -- were you able to get
11 a hold of anybody?

12 A Yes. Nicole Norton answered the phone.

13 Q And what did you tell her?

14 A I said, Nicole, please let the shift on know that my car
15 is dead again and I'm going to be there as soon as humanly
16 possible.

17 Q And what did she say?

18 A I heard her yell over, Moriah, Angel's going to be late.

19 Q And what happened then?

20 A I showed up at 3:50.

21 MS. CACACCIO: Your Honor, I offer General Counsel Exhibit
22 71 and 72.

23 MR. BALSAM: Voir dire, Your Honor?

24 **VOIR DIRE EXAMINATION**

25 Q BY MR. BALSAM: With respect to GC's Exhibit 72, which



1 being -- which being -- is being offer into evidence, in the
2 line where it says Starbucks, 3:29 p.m., that is the time that
3 you actually made the phone call to Starbucks?

4 A Correct.

5 Q And I noticed in this document it doesn't indicate the
6 amount of time of that particular call.

7 A I had not noticed that I did that, but I can provide that
8 for you guys.

9 MR. BALSAM: I -- I only know that, Your Honor, and the
10 witness, that the prior document that we received had --

11 JUDGE ROSAS: I'm sorry?

12 MR. BALSAM: I bring that up, Your Honor, because the
13 prior document we have, which is GC Exhibit Number 70,
14 indicated the time -- the amount of time that was -- that the
15 call lasted for and this document does not show that.

16 JUDGE ROSAS: Do you want -- do you want to ask the
17 witness why?

18 MR. BALSAM: Yeah.

19 THE WITNESS: I simply just didn't click on it when I
20 submitted it to the Board, but I still can provide that
21 information if need be.

22 Q BY MR. BALSAM: Right above where it says Starbucks, it
23 says Jaz, 3:43 p.m. Why did you call Jaz at 3:43 p.m.?

24 MS. CACACCIO: Objection. Relevance.

25 JUDGE ROSAS: I'll allow it.

1 THE WITNESS: I think just to -- oh, because I had
2 received a text from my coworker, Minwoo Park, telling me that
3 he was fired that day, and I let her know.

4 Q And above that, it says Minwoo Park Starbs 3:43 p.m.

5 A Correct.

6 Q Why did you call Minwoo Park at 3:43 p.m.?

7 A As I was on my way to work, I was calling them to see if
8 they were still there and to see if they were okay.

9 MR. BALSAM: I have nothing further from this witness, and
10 I have no objection to the admissibility of this document.

11 JUDGE ROSAS: General Counsel 71, 72 are received in
12 evidence.

13 **(General Counsel Exhibit Numbers 71 and 72 Received into**
14 **Evidence)**

15 MS. CACACCIO: If we could just have a few moments, Your
16 Honor?

17 JUDGE ROSAS: Off the record.

18 (Off the record at 2:10 p.m.)

19 JUDGE ROSAS: General Counsel.

20 **RESUMED DIRECT EXAMINATION**

21 Q BY MS. CACACCIO: How was lateness handled prior to August
22 2021?

23 A Pretty much with just a follow-up question as to why you
24 were late -- or late, and that was it.

25 Q Had you ever been disciplined for being late prior to



1 August in 2021?

2 A No.

3 Q Had you ever been late prior to August of 2021?

4 A Maybe a couple minutes.

5 Q Had anyone ever spoken to you about that?

6 A Only to ask why.

7 MS. CACACCIO: I have no further questions for this
8 witness at this time.

9 JUDGE ROSAS: Charging Party.

10 MR. HAYES: No questions, Judge.

11 JUDGE ROSAS: Off the record.

12 (Off the record at 2:14 p.m.)

13 JUDGE ROSAS: Respondent, cross.

14 MR. BALSAM: Thank you.

15 **CROSS-EXAMINATION**

16 Q BY MR. BALSAM: When you first commenced your employment
17 with Starbucks, did you receive a copy of the Partner Guide?

18 A I believe so, yes.

19 Q And in receiving the copy of the Partner Guide, did you
20 sign their acceptance of that document?

21 A If that's what I was supposed to do, then yeah, I would
22 have.

23 Q And by virtue of signing your acceptance of their Partner
24 Guide, you agreed to comply with all policies and procedures of
25 Starbucks, correct?

1 A That would be so, yes.

2 Q And you testified earlier that, at some point in time
3 after August 2021, the Company sat down with you and your
4 fellow partners to reinforce certain policies, correct?

5 A Correct.

6 Q And those policies included the piercing policy, correct?

7 A Correct.

8 Q The dress code policy.

9 A Correct.

10 Q And the time and attendance policy.

11 A Correct.

12 Q At that point in time, you were informed and advised that
13 it was Starbucks' intention to ensure complete compliance with
14 those policies?

15 A Correct.

16 Q And you understood that.

17 A Yes.

18 Q And yet, notwithstanding your agreement and understanding
19 of those policies, you still intentionally failed to comply
20 with those policies, correct?

21 A Correct.

22 Q Did you think that you were going to be insulated from any
23 type of discipline by virtue of not complying with those
24 policies?

25 A No, due to the union drive.



1 Q I'm sorry?

2 A No, because of the union drive.

3 Q I'm -- no, because of the union drive?

4 A Yeah. I -- through that, I knew that there was supposed
5 to be left (indiscernible) setting of the store, so I was like,
6 okay, so nothing's supposed to change.

7 Q So it was your understanding that because of the union
8 drive you could not be fired for failing to comply with
9 Starbucks policies?

10 A If they were not enforced beforehand, yes.

11 Q Who told you that?

12 A Through me reading labor law of the United States, myself.

13 Q You mentioned during your termination meeting with M.K.
14 that you were seeking to enforce Weingarten rights.

15 A Yes.

16 Q Correct?

17 A Yes.

18 Q How did you knew -- how did you come to learn what
19 Weingarten rights are?

20 MR. HAYES: Objection. Relevance.

21 JUDGE ROSAS: I'll allow it.

22 THE WITNESS: Just through the union drive and
23 understanding, again, like, I studied labor within school as
24 well. So not only that, but understanding through talking with
25 my coworkers who were also in the union drive what Weingarten

1 rights were. That's how I made sure that I knew what they
2 were, to the best of my knowledge.

3 Q BY MR. BALSAM: Now there was discussion, and we heard
4 some of the recordings that you made while employed by
5 Starbucks, correct?

6 A Correct. Sorry. Yeah.

7 Q Are there any recordings that you made of your meetings at
8 Starbucks that you did not -- that we did not hear today?

9 MS. CACACCIO: Objection. Outside the scope and
10 relevance.

11 JUDGE ROSAS: It was something mentioned. Overruled. You
12 can answer.

13 THE WITNESS: Anything that I recorded, I sent over to the
14 Labor Board and my attorneys already.

15 Q BY MR. BALSAM: How many times did you make recordings?

16 A Like, one handful of times. I think, like, five overall,
17 maybe.

18 Q And what were the meetings that you made recordings of?

19 A The ones that we had already discussed, the shift
20 supervisor meeting, as well as my firing, as well as the
21 incident between Dustin and myself. And then there was the --
22 I believe, the February 27th party that was held at my store
23 that I recorded. And that's -- that's what I can recall off
24 the top of my head.

25 Q When you recorded these meetings, did you obtain prior

1 consent of those who were in the room?

2 A No, since it's a one-party consent state, I consented
3 myself.

4 Q Are you -- do you know if Starbucks has any policies and
5 procedures relating to recordings --

6 MS. CACACCIO: Objection.

7 Q -- making recordings in the workplace?

8 MS. CACACCIO: Objection.

9 JUDGE ROSAS: Hold -- hold on. It's your contention that
10 the policy prohibits it, right? Is that what you're saying?

11 MR. BALSAM: Yes, Your Honor.

12 JUDGE ROSAS: Okay. I'll allow it.

13 THE WITNESS: May you repeat, please?

14 Q BY MR. BALSAM: Sure. Are you aware of any policies and
15 procedures at Starbucks that prohibit the recording of meetings
16 at Starbucks?

17 A I am not.

18 Q Okay. But you -- again, you acknowledge that you did, in
19 fact, receive a copy of the Partner Guide, correct?

20 A Correct.

21 Q Did you train baristas prior to Starbucks making the
22 decision to centralize training at the Walden and Anderson
23 store?

24 A Yes.

25 Q How many baristas did you train prior to that occurring?



1 A One or two, I believe.

2 Q And you testified earlier that you started in February of
3 2020, correct?

4 A Correct.

5 Q And when you completed training of those baristas, that
6 training lasted about a week, correct?

7 A Correct.

8 Q Were those baristas capable of handling all different
9 aspects of the store following the completion of that training?

10 A To the best of their capabilities, yes.

11 Q So they were or were not?

12 A They were.

13 Q And we also had a discussion about you're concerned about
14 the lack of training that you received when you became a shift
15 supervisor. Do you remember that testimony?

16 A Correct.

17 Q But you did testify that when you spoke to Nick, who was
18 your store manager at the time, that he said he was actively
19 trying to get training for you, correct?

20 A Not necessarily, no. It was him saying, oh, you were
21 sick, I'm going to try my hardest, but we don't -- you know,
22 I'll try my hardest. But it wasn't really like I ever was
23 going to see that training, the way he spoke.

24 Q Did you approach Nick on more than one occasion about
25 obtaining that training?



1 A Yes.

2 Q And did you report to anyone else above Nick after he told
3 you that he was actually trying but yet you still didn't
4 receive the training?

5 A No.

6 Q Why didn't you go above Nick to talk to anyone else?

7 A I didn't know who else to go to.

8 Q But at some point, you did speak to M.K. about the fact
9 that you didn't receive the supervisor training that you
10 thought you were entitled to, correct?

11 A Yes.

12 Q Now from the point in time that you started working at
13 Starbucks to the point where you received the training that you
14 felt that you were missing, had you received any type of
15 discipline from Starbucks by virtue of failing to do your job
16 appropriately?

17 A No.

18 Q So in reality, it really didn't matter that you didn't get
19 that training.

20 MS. CACACCIO: Objection.

21 JUDGE ROSAS: Sustained.

22 Q BY MR. BALSAM: Did you receive any type of indication
23 from Starbucks from the time that you started until the time
24 that you received the supervisory training that you said -- you
25 said you were missing that you were not doing your job

1 appropriately?

2 MS. CACACCIO: Objection. Asked and answered.

3 JUDGE ROSAS: I'll allow that.

4 THE WITNESS: Could you repeat, please?

5 Q BY MR. BALSAM: Sure. From the time that you started at
6 Starbucks until the time that you received the supervisor
7 training that you felt that you were missing, did anyone at
8 Starbucks say that you were not performing your job
9 appropriately?

10 A Yes.

11 Q Who?

12 A My fellow shift supervisors.

13 Q And what did they say?

14 MS. CACACCIO: Objection. Hearsay.

15 JUDGE ROSAS: On the one hand, there's a sense of
16 reliability to it because it supports a theory. The General
17 Counsel, on the other hand, strictly speaking, it is hearsay
18 and there is no secondary evidence for this. So I will sustain
19 the objection.

20 Q BY MR. BALSAM: Other than the shift supervisors that you
21 worked with, did anyone in management tell you that you were
22 not performing your job appropriately?

23 A No.

24 Q There was testimony about how your store hours changed
25 after the union-organizing campaign, and that's correct?

1 A Correct.

2 Q And then you also testified that it adversely impacted
3 you, correct?

4 A Correct.

5 Q But isn't it true that you did, in fact, want to have
6 reduced hours at the store?

7 A Well, yeah. Because an 11 p.m. close doesn't make sense
8 for a coffee chain in the middle of the suburbs.

9 Q Right. So you -- on one hand, you say it adversely
10 impacted you, but you wanted it to happen, correct?

11 A Not to the extent that it was.

12 Q But it -- in fact, you did want there to be a reduced
13 sched -- hours for that store.

14 A Sure.

15 Q So yes, correct?

16 A Yes.

17 Q There was testimony by you about a ethics complaint that
18 was filed. Do you remember that testimony?

19 A Yes.

20 Q And you testified that it had to do with a supervisor by
21 the name of Jennifer, correct?

22 A Yes.

23 Q And you testified that Jennifer grabbed a minor --

24 A Yes.

25 Q -- is that correct? Did you personally observe Jess --



1 Jessica (sic) grabbing the minor?

2 A I did not.

3 Q Okay. And you also testified that Jennifer was using an
4 incorrect pronoun. Do you remember that testimony?

5 A Yes.

6 Q Did you personally observed Jennifer using an incorrect
7 pronoun?

8 A No.

9 Q And you also testified that, at first, others in your
10 store, but not yourself, notified Nick of this concern with
11 respect to Jennifer, correct?

12 A Yes.

13 Q And you also testified that you were part of the filing of
14 the ethics complaint.

15 A Yes.

16 Q Can you explain how you were part of -- of filing an
17 eth -- ethics complaint? Did you physically make the filing
18 yourself?

19 A Taylor Jovanovski did, and then I was on the phone with
20 her while she was doing it, and I said, you can sign my name if
21 you would like to.

22 Q Okay. But you, physically yourself, did not make that
23 fi -- that ethics --

24 A No --

25 Q -- complaint.

1 A -- correct.

2 Q Okay. With respect to the event that culminated in your
3 termination from employment, the lateness to work, you were, in
4 fact, late on those occasions, correct?

5 A Yes.

6 MR. BALSAM: Sorry, Your Honor. Just one moment.

7 Q BY MR. BALSAM: Just go back to the recordings for a
8 moment, you testified that there were, I believe, five
9 recordings that you had made; is that correct?

10 A Yes.

11 Q And we heard four today in this courtroom, correct?

12 A Yes.

13 Q And the fifth one that we did not hear, what was that a
14 recording of?

15 A The --

16 MS. CACACCIO: Objection. Asked and answered.

17 JUDGE ROSAS: I'll allow it.

18 THE WITNESS: As previously stated, it was the party
19 Tiffany Mann threw for herself as a going away party.

20 MR. BALSAM: Your Honor, (indiscernible) that we have not
21 been provided a copy of the recordings consistent with your
22 prior order. We request that the witness produce -- or the
23 Board produces a copy of that recording.

24 MS. CACACCIO: If I might be heard. The Board doesn't
25 have a copy of that recording.

1 MR. BALSAM: According to this witness, I believe she said
2 she provided the Board with a copy of her recordings. And to
3 the extent that she doesn't, I request that you order her to
4 produce it to us directly.

5 JUDGE ROSAS: Well, you better clarify it with the
6 witness.

7 MR. BALSAM: I'm sorry, Your Honor? I couldn't hear you.

8 JUDGE ROSAS: You better clarify it with the witness.

9 THE WITNESS: If I may? Sorry. I submitted it to my
10 lawyers. I believe it was, like, last week when I was told,
11 hey, if you have any recordings with managers on it, just send
12 it in. So that's what I -- that's what it was.

13 MR. BALSAM: I'll have a con -- I'll have a conversation
14 with Counsel for the Union off rec -- off record. Thank you.

15 JUDGE ROSAS: Um-hum. Okay.

16 MR. BALSAM: We have nothing further. Thanks.

17 JUDGE ROSAS: Redirect.

18 **REDIRECT EXAMINATION**

19 Q BY MS. CACACCIO: Were you late to work on March 20th?

20 A No.

21 MR. BALSAM: Really?

22 MS. CACACCIO: I have nothing further at this time, Your
23 Honor.

24 JUDGE ROSAS: Charging Party.

25 MR. HAYES: No questions, Your Honor.



1 JUDGE ROSAS: Any follow-up?

2 **RE CROSS-EXAMINATION**

3 Q BY MR. BALSAM: But you were late on March 21st, correct?

4 MS. CACACCIO: Objection. Outside the scope.

5 JUDGE ROSAS: I'll allow it.

6 THE WITNESS: Yeah, we've talked about it quite a bit.

7 Q BY MR. BALSAM: Right. So it's possible that there was a
8 typographical error made in this document, correct?

9 MS. CACACCIO: Objection.

10 JUDGE ROSAS: Sustained.

11 MS. CACACCIO: Speculation.

12 JUDGE ROSAS: We'll figure that out. That's my job.

13 MR. BALSAM: Are you sustaining the objection?

14 JUDGE ROSAS: What's that?

15 MR. BALSAM: Are you sustaining the objection?

16 JUDGE ROSAS: I am.

17 MR. BALSAM: Okay.

18 Q BY MR. BALSAM: You were late on two occasions, correct?

19 A Correct.

20 MS. CACACCIO: Objection. Outside the scope. Asked and
21 answered.

22 MR. BALSAM: We're discussing --

23 JUDGE ROSAS: I'll allow it.

24 THE WITNESS: Correct.

25 Q BY MR. BALSAM: Correct. And during the discussion at

1 your termination meeting, the -- the -- the tardiness and the
2 lateness that was being discussed with you were, in fact --
3 did, in fact, occur, correct?

4 A Correct.

5 MS. CACACCIO: Objection. Assumes facts not in evidence.

6 JUDGE ROSAS: Let's clarify it. In the termination
7 meeting, what lateness was discussed?

8 THE WITNESS: They had discussed the lateness on the 7th
9 and on the 20th.

10 Q BY MR. BALSAM: If they -- if they discussed your lateness
11 on the 20th, why would you have provided call logs reflecting
12 the 21st?

13 A Because that was the actual day that I was late, not the
14 20th.

15 Q Okay. So you acknowledge that on two occasions, you were,
16 in fact, late.

17 A As I already have acknowledged --

18 Q Okay.

19 A -- yes.

20 MR. BALSAM: Thank you.

21 JUDGE ROSAS: Any follow-up?

22 MS. CACACCIO: No.

23 JUDGE ROSAS: Okay. Thank you. Your testimony is
24 concluded. Don't discuss your testimony with anyone until
25 you're advised further by Counsel, okay?

1 THE WITNESS: Okay.

2 JUDGE ROSAS: Have a good day.

3 THE WITNESS: You, too. Thank you.

4 JUDGE ROSAS: All right. Off the record.

5 (Off the record at 3:15 p.m.)

6 JUDGE ROSAS: Okay. So after some discussion with
7 Counsel, I think we have some -- some matters that -- that we
8 need to deal with. So what -- it's better, I think, advised at
9 this point for us to continue the trial till Monday at 9 a.m.,
10 okay? See everybody then.

11 MS. CACACCIO: Thanks, Judge.

12 MR. BALSAM: Thank you, Your Honor. Appreciate it.

13 **(Whereupon, the hearing in the above-entitled matter was**
14 **recessed at 3:20 p.m. until Monday, August 1, 2022 at 9:00**
15 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Number 03-CA-285671, Starbucks Corporation, held at the National Labor Relations Board, Region 3, 130 S. Elmwood Avenue, Suite 630, Buffalo, New York 14202-2465, on July 28, 2022, at 9:00 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



LEE MILLER

Official Reporter